

82.00

LAWS
OF A *Fletcher*
GENERAL NATURE

PASSED AND PUBLISHED AT THE TWENTIETH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

BY AUTHORITY.

Indianapolis:

PRINTED BY BOLTON AND EMMONS.

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Oct 11th 1888. 1836. Bought this act
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LAWS

OF A

GENERAL NATURE.

CHAPTER I.

AN ACT for the apportionment of Senators and Representatives in the General Assembly of this State.

(APPROVED JANUARY 13, 1836.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of electing Senators to the General Assembly of this State for the ensuing five years, the State shall be, and is hereby divided into the following districts, each of which shall be entitled to one Senator: the counties of Knox, Daviess and Martin one; Lawrence one; Green and Owen one; Vigo, Sullivan, and Clay, one; Putnam, one; Parke, one; Fountain, one; Vermillion and Warren, and all that part of Jasper county which lies south of the line dividing townships twenty-four and twenty-five, one; Tippecanoe, one; Clinton and Carroll, one; Montgomery one; Harrison, one; Perry, Crawford and Spencer, one; Warrick, Vanderburgh, and Posey, one; Gibson, Pike and Dubois, one; Orange, one; Monroe, one; Johnson, one; Morgan, one; Hendricks, one; Shelby, one; Marion, one; Hancock and Madison, one; Hamilton and Boone, one; Cass, Miami and Fulton, one; Allen, Wells and Adams, one; Wabash, Jay, Huntington and Grant, one; Elkhart, Lagrange, Steuben, De Kalb, and Noble, one; Delaware and Randolph, one; Henry, one; Fayette and Union, one; St. Joseph, Marshall, Kosciusko, and Stark, one; Laporte, Porter, Newton, White, Pulaski,

Senatorial districts.

and all that part of Jasper county, which lies north of the line dividing townships twenty-four and twenty-five, one; Rush, one; Franklin, one; Dearborn, one; Decatur, one; Switzerland, one; Ripley, one; Bartholomew and Jennings, one; Clark, one; Floyd, one; Jefferson, one; Jackson and Scott, one; Washington, one; and the county of Wayne, shall be entitled to two Senators. *Provided*, That if Jasper county shall hereafter become organized, then said territory shall be attached to the said county of Jasper, and form a part of the senatorial and representative district, north of the county of Warren.

Representative
districts.

SEC. 2. That in electing Representatives to the General Assembly of this State, for the ensuing five years, the several counties shall be entitled to elect as follows, viz: The counties of Dearborn and Wayne, each, four Representatives; the county of Rush, three Representatives; the counties of Parke, Fountain, Tippecanoe, Henry, Fayette, Union, Marion, Shelby, Harrison, Lawrence, Franklin, Jefferson, Washington, Clark, Vermillion, and Bartholomew, each, two Representatives; the counties of Owen, Greene, Clay, Warren and all that part of Jasper county which lies south of the line dividing townships twenty-four and twenty-five, Clinton, Carroll, Monroe, Johnson, Morgan, Herdricks, Hancock, Madison, Hamilton, Boone, Allen, Elkhart, Delaware, Randolph, St. Joseph, Laporte, Decatur, Ripley, Switzerland, Orange, Posey, Vanderburgh, Warrick, Gibson, Cass, Floyd, Jackson, Scott and Jennings, each, one Representative.

SEC. 3. In the year 1836, the counties of Knox, Daviess and Martin are to elect one Representative, each. In 1837, Knox county is to elect two representatives, and the counties of Daviess and Martin one representative. In the year 1838 the counties of Daviess and Martin are to elect, each, one Representative, and the county of Knox, one Representative. In the year 1839, the county of Knox, is to elect two Representatives, and the counties of Daviess and Martin are to elect one Representative jointly. In the year 1840, the counties of Daviess and Martin are to elect one Representative, each; and the county of Knox is to elect one Representative.

SEC. 4. The counties of Sullivan and Vigo, are each to elect two Representatives, until the year 1840, and in that year Vigo is to elect three Representatives, and Sullivan one Representative.

SEC. 5. The counties of Putnam and Montgomery shall, each, elect two Representatives, and the said coun-

ties of Putnam and Montgomery shall elect one additional Representative, alternately, commencing with the county of Putnam.

SEC. 6. In the year one thousand eight hundred and thirty-six, the counties of Crawford, Perry, and Spencer, are, each, to elect one Representative, and the counties of Pike and Dubois are to elect one Representative jointly. In the year one thousand eight hundred and thirty-seven, the counties of Perry, Spencer and Pike shall, each, elect one Representative, and the counties of Dubois and Crawford, shall elect one Representative jointly. In the year one thousand eight hundred and thirty-eight, the counties of Perry, Spencer and Crawford shall elect one Representative, each, and the counties of Pike and Dubois one, jointly. In the year one thousand eight hundred and thirty-nine, the counties of Perry and Spencer, shall elect one Representative, jointly, and the counties of Pike, Dubois and Crawford, one Representative, each. In the year one thousand eight hundred and forty, the counties of Crawford, Perry and Spencer, shall, each, elect one Representative, and the counties of Pike and Dubois, one jointly.

SEC. 7. The counties of Huntington, Wells, Jay and Adams shall elect one Representative, jointly. The counties of Grant and Wabash shall elect one Representative, jointly. The counties of Lagrange, Steuben, De Kalb and Noble shall elect one Representative, jointly. The counties Marshall, Kosciusko and Stark shall elect one Representative, jointly. The counties of Porter and Newton shall elect one Representative, jointly. The counties of White, Jasper and Pulaski shall elect one Representative, jointly.

SEC. 8. The counties of Miami and Fulton shall elect one Representative, jointly.

SEC. 9. The county of Jefferson shall elect one additional Representative in the years 1836, 1839 and 1840.

SEC. 10. The county of Washington shall elect one additional Representative in the year 1838.

SEC. 11. The county of Clark shall elect one additional Representative in the year 1837.

CHAPTER II.

AN ACT to provide for a general system of Internal Improvements.

(APPROVED JANUARY 27, 1836.)

Board of Internal Improvement how appointed and term of office.

Vacancies in canal board, how filled.

Each work to be represented.

Oath and bond.

Duty.

Quorum.

Compensation.

Duty of the Board.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That six persons shall be appointed by the Governor by and with the advice and consent of the Senate, who, together with the present Canal Commissioners, shall constitute a Board of Internal Improvement to serve for three years from and after their appointment; the first appointments shall, however, be divided into three classes, by lot, at their first meeting. The term of service of the 1st class shall determine at the expiration of one year, the 2d class at the end of the second year, and the 3d class at the end of the third year, so that one-third may be annually appointed so long as their services may be required, and shall be liable to be removed at any time by impeachment or joint resolution. The said Canal Commissioners thus constituted members of said Board shall respectively hold their offices therein during the time for which they would have served as Canal Commissioners, and their vacancies shall then be filled in the same manner as is provided for the appointment of other members of said Board in this section, and their service shall continue in like manner and be subject to like removal. The Governor in making the nominations as above provided shall, in addition to the qualifications for the discharge of the duties of the office, have regard to the local situation of the nominee, so that each work may be represented in said Board by a suitable person residing as near as practicable thereto.

SEC. 4. The Board thus constituted shall be called the State Board of Internal Improvement, shall take the same oath and give the same bond as now required by law of the Canal Commissioners. They shall locate, under the provisions of this act, and superintend the several works of Internal Improvement in this State, and hold semi-annual meetings, and as much oftener as they may deem necessary. Five members shall constitute a quorum, and they shall each receive as a compensation for their services the sum of two dollars per day for every day necessarily employed, and also an equitable allowance for travelling and other contingent expenses.

SEC. 3. In the meetings of said Board they shall determine the general outline of the operations in relation

to such works of internal improvement as may be authorized by law, determining questions of importance submitted to them in relation to said works, and to assist in the examination of accounts and making reports to the General Assembly, and as soon as any work or canal line shall be ready to be placed under contract the said Board shall elect one of their members to serve as acting Commissioner on said line, whose duty it shall be to superintend the same under the general direction and during the pleasure of said Board. A record of the proceedings of said Board shall be kept by them, as also an accurate account of the moneys expended on each route, as well as every other matter that may legally come under their supervision or control, by virtue of this act.

SEC. 4. The said Board of Internal Improvement is hereby authorized and directed to adopt such measures as may be necessary to commence, construct and complete, within a reasonable time, the following public works, viz:

1st. The White Water Canal, commencing on the west branch of the White Water river, at the crossing of the National Road, thence passing down the valley of the same to the Ohio river, at Lawrenceburgh, and extending up the said west branch of the White Water above the National Road as far as may be practicable; also, a connexion between the said White Water Canal and the Central Canal, by a canal, if practicable, if not by a Rail Road, to commence at some point near the National Road, thence to be continued to some suitable point on said Central Canal in Madison or Delaware counties, as the same may be found most practicable and best calculated to promote the interests of the State; and for the construction of said works the sum of one million four hundred thousand dollars is hereby appropriated; *Provided however*, That if the state of Ohio shall ultimately refuse to grant leave for the construction of that part of the Whiter Water Canal which passes through her territory, the said Board shall construct a Rail Road from some point near Harrison to Lawrenceburgh, keeping it wholly within the territory of this state, in lieu of the canal as now located between those points, and pay for the construction of said road out of the moneys appropriated for the construction of said White Water Canal.

2d. The Central Canal, commencing at the most suitable point on the Wabash and Erie Canal between Fort Wayne and Logansport, running thence to Muncietown, thence to Indianapolis, thence down the valley of the west fork of White River to its junction with the east fork of said river, and thence by the most practicable

Works authorized, viz:

White Water canal.

Central canal.

route to Evansville on the Ohio river: *Provided however*, The said Board of Internal Improvement may, if it shall be found most practicable and conducive to the interests of the State, select the lower or Pipe creek route in the line north from Indianapolis, then and in that case a Feeder shall be made to commence at Muncietown and communicate with said Central Canal at some convenient point on the same, which feeder shall be of equal size and capacity with the main canal, and made equally convenient for the purposes of navigation and be constructed simultaneously with the said main canal, and in all other respects provided for in like manner with the same. For the construction of which Central Canal and navigable Feeder, the sum of three millions five hundred thousand dollars is hereby appropriated.

Extension of
Wabash and
Erie canal.

3d. An extension of the Wabash and Erie Canal from the mouth of Tippecanoe river down the valley of the Wabash to Terre Haute, and thence by the route as surveyed on Eel river, so as to connect with the Central Canal at the point designated in said survey, or else by the most practicable route from Terre Haute so as to connect with the Central Canal at or near the mouth of Black creek in Knox county, or at some intermediate point between said points as shall, on further survey and examination of said route, be found most conducive to the public good. For the construction and completion of the continuation or extension of said Wabash and Erie Canal the sum of one million three hundred thousand dollars is hereby appropriated.

Madison and
Lafayette Rail
Road.

4th. A Rail Road from Madison through Columbus, Indianapolis, and Crawfordsville to Lafayette, to be called the Madison and Lafayette Rail Road, to construct which the sum of one million three hundred thousand dollars is hereby appropriated.

M'Adamized
road from New
Albany to Vin-
cennes.

5th. A McAdamized Turnpike Road from New Albany through Greenville, thence as near to Fredericksburgh as shall be found practicable, having in view the expense of construction and public accommodation, through Paoli, Mount Pleasant, and Washington to Vincennes; for the construction of which the sum of one million one hundred and fifty thousand dollars is hereby appropriated.

Rail Road or
Turnpike from
Jeffersonville
to Crawfords-
ville.

6th. And the said Board is hereby authorized and directed to cause a re-survey of the route from Jeffersonville via New Albany, Salem, Bedford, Bloomington, and Greencastle to Crawfordsville, to be made before the first day of October next, and if upon such survey so made it shall be found practicable to construct a Rail

Road on said route, the sum of one million three hundred thousand dollars is hereby appropriated for its construction. But if, after such survey and examination shall have been made, the construction of the said Rail Road shall be deemed impracticable, it shall be and is hereby made the duty of said Board to construct a McAdamized Road on the route aforesaid, and in that event the same amount is hereby appropriated for its construction, to-wit: the sum of one million three hundred thousand dollars; and then and in that event the said Board shall either commence said road at Salem, or make such arrangements as may be deemed expedient and consistent with the interest of the State with the Salem and Ohio Turnpike Company: *Provided however*, that said Board shall not make any arrangements with said Company or otherwise which shall have the effect to divert said road from the most direct and practicable route for the same between Salem and New Albany.

7th. The sum of fifty thousand dollars is hereby appropriated for the removal of obstructions to navigation in the Wabash river between its mouth and the town of Vincennes; which said sum of fifty thousand dollars shall be part of the first loan effected under the provisions of this act, to be expended under the direction of the said Board of Internal Improvements for the removal of said obstructions as soon as the same can be done in a manner best calculated to promote the public interest.

Improvement of
the Wabash.

8th. And the said Board are hereby authorized and required to cause, during the present year, a survey and estimate to be made of a Canal if practicable, if not a Rail Road, from the Wabash and Erie Canal at or near Fort Wayne, by the way of Goshen and South Bend, and Laporte, if practicable, to Lake Michigan, at or near Michigan City, to be called the Erie and Michigan Canal or Rail Road; said route to be kept within the limits of this State. For the commencement of which, within ten years, at the discretion of the said Board of Internal Improvement, and the final completion of the same, the faith of the State is hereby irrevocably pledged; and the money necessary to construct the said work shall be obtained in the same manner as is provided for other works in this act.

Survey, &c. of
a canal or rail
road from Fort
Wayne to Lake
Michigan.

SEC. 6. The said Board, in constructing that part of the Wabash and Erie Canal which lies between Lafayette and Terre Haute, shall have power to connect by lockage and otherwise the Canal with the Wabash river on section number forty-seven, and at such other places where the interest of the State and the conve-

Duty of the
Board in rela-
tion to the Wa-
bash and Erie
canal.

nience of its citizens shall, in their opinion, be promoted by such connexion. And the said Board shall also be authorized and required, upon application being made, to permit any county or association of individuals to tap any or either of the canals herein mentioned and provided for, at any point upon said Canals by side cut Canal or Canals, whenever, in the opinion of said Board, the navigation of said Canal or Canals shall not be injured thereby.

Internal Improvement fund

SEC. 7. For the purpose of constructing the several works authorized by this act, there shall be a fund for internal improvements, which shall consist of all the moneys which may be raised by the sale of stocks, or in any other manner by virtue of the loans authorized by law, and of all appropriations which may have been made, or which may hereafter be made for those objects, all the proceeds or moneys which may be derived from the tolls and rents of said works, and of all grants or donations which may be received from individuals to aid in their completion, together with all the profits and interests which may accrue from their construction in any manner whatever.

Loan authorized.

SEC. 8. The said Canal Fund Commissioners are hereby authorized and required, on behalf of the state to contract with any individual, company, or corporation, at such times as may be directed by the Board of Internal Improvement for a loan or loans, from time to time, in all not exceeding the sum of ten millions of dollars, on a credit of twenty-five years, said loan or loans to be at a rate of interest not exceeding five per cent. per annum, and to be so negotiated that the same may be drawn and bear interest at any time, as early as practicable, when they may be advised by the Board of Internal Improvements that it will be required for the progress of any of the works of Internal Improvement to which the same has been appropriated by this act, and the said Commissioners of the Canal Fund shall issue for such loans transferable certificates of stock in the name of the state, which when signed by them shall be valid; and to facilitate the purposes herein contemplated the Commissioners of the Canal Fund shall have power to make such arrangements relative to obtaining loans, the payment of interest thereon, the transmission and deposits of money, as they may deem conducive to the interest of the State.

Faith of the State pledged for the payment of loan.

SEC. 9. For the punctual payment of the interest and final redemption of the principal of all sums of money which may be borrowed under the provisions of this act,

there shall be and are hereby irrevocably pledged and appropriated, the Canals, Rail and Turnpike Roads, with the portions of ground thereunto appertaining and privileges thereby created; and the rents and profits of the water power thereof, together with the nett proceeds of tolls collected thereon; the sufficiency of which, for the purposes aforesaid, the State of Indiana doth hereby irrevocably guarantee.

Loan authorized for Wabash and Erie Canal.

SEC. 10. The said Canal Fund Commissioners are hereby authorized to negotiate a loan not exceeding the sum of five hundred thousand dollars in addition to the loans heretofore authorized by law for the canal fund, the proceeds of which shall be applied to finish that part of the Wabash and Erie Canal which lies between the Ohio state line and the mouth of the Tippecanoe river, and within the lands granted by Congress, to aid in the construction of said work, which authority to contract said loan on the credit of the State shall be as ample and governed in every respect by the same provisions as have governed the loans which have heretofore been authorized by the several acts of this State for that purpose; and for the punctual payment of the principal and interest on said loan or loans the said Canal when constructed, its tolls, its interest and profits derived therefrom, and the proceeds of the Canal lands are hereby pledged, the sufficiency of which to pay the interest and principal of said loan or loans, as the same shall become due, the State hereby guarantees.

SEC. 11. Distinct accounts shall be kept of all disbursements of money which have been or which shall hereafter be made for the construction of that part of the Wabash and Erie Canal which lies eastwardly of the Tippecanoe river within the grant of the canal lands, and the amount of such expenditures shall be charged to and paid out of the canal fund, and an account also kept of the tolls which may be received on that part of the Canal, in order that their amount, as well as the proceeds arising from the sale of the canal lands, may be strictly applied to the payment of the canal fund for which, by various acts of the General Assembly, they have been specifically pledged.

Distinct accounts shall be kept of the receipts and disbursements on that part of the W. and E. Canal east of Tippecanoe.

SEC. 12. The members composing the Board of Internal Improvement shall meet as soon after their appointment as convenient, and choose one of their members to be President of said Board, and appoint a Secretary, whose duties and compensation they shall regulate. The President of the Board shall have power to call meetings of the same when in his opinion the public in-

Board to meet and appoint President and Secretary.

President may call meetings.

Power of the
Board.

terest may require it, and said Board shall have authority to adjourn from time to time to meet at any other place they may think proper, and have power to employ such Engineers, agents, and other assistants as the interest of the State shall, in their opinion, demand to enable them to discharge the duties required of them by this act, and to pay such Engineers, agents, and assistants for their services such sums as in their opinion may be a reasonable compensation for the duties which they may perform.

Board authorized to draw
on Fund Commissioners, &c.

SEC. 13. The said Board of Internal Improvement shall be authorized to give drafts or checks from time to time, payable to such persons and at such places, on the Commissioners of the Canal Fund, and receive from them all such sums of money as may be necessary for the prosecution of the works contemplated by the acts of the General Assembly in relation to this subject, under such rules, regulations, and restrictions as the said Commissioners of the Canal Fund may deem necessary for its security and proper application, and the said Board of Internal Improvement shall cause the same to be expended in the most economical manner on the works of improvement authorized by this act, at such times and places and in such sums as they may deem most conducive to the interest of said works; to establish reasonable tolls and adopt all measures necessary for the collection and payment thereof to the Commissioners of the Canal Fund, and report to the Legislature at each session thereof the state of said works, with an account of the expenditures, together with their proceedings under this act, and recommend such measures as they may think advisable to promote the objects intended by this act, and likewise, when called upon by the Governor, to report to him from time to time such information as he may require.

Report to Legislature annually.

Works to be put under contract, &c.

SEC. 14. The Board of Internal Improvement is hereby authorized to put under contract, and construct that part of the Wabash and Erie Canal which lies between the Tippecanoe river and the Ohio state line, and any and all such portions of the several works as are authorized by this act, to make such minor changes in the lines already located, such re-surveys, and at such times and places as they shall deem most conducive to the public interest, having regard always to economy and the most profitable and early receipt of tolls.

Reports to be made to Auditor.

SEC. 15. The Commissioners of the Canal Fund shall make report to the Auditor of Public Accounts for their receipts and disbursements growing out of the provisions

of this act, in the same manner as they are now required by law in relation to canal and other funds under their direction; and the Board of Internal Improvements shall also render to the Auditor an account of its disbursements in the same manner as is now by law required of the Commissioners of the Wabash and Erie Canal; and for the increased duties of the Auditor of Public Accounts he shall be allowed, for clerk hire, a sum equal to the compensation paid by the Commissioners of the Canal Fund to their Secretary.

Compensation to Auditor.

SEC. 16. It shall be lawful for the Board of Internal Improvement, and each of the members thereof, by themselves, or by any superintendent, agent, or engineer employed by them, to enter upon, and take possession of, and use all and singular any lands, streams and materials of any and every description necessary for the prosecution and completion of the improvements contemplated by this act; and to make all such canals, feeders, dams, locks, rail roads, turnpike roads, and other works as they may think necessary for making said improvements, avoiding, in all cases, unnecessary damage or injury to the proprietors.

Board may take materials, &c.

SEC. 17. In all cases where persons may feel aggrieved or injured by the construction of any of the works contemplated by this act, or by the use of materials for the same, the person or persons so feeling aggrieved or injured, shall make out a written statement of the cause of such complaint, particularly describing the nature of the injury and the interest of the complainant or complainants therein, and deliver the same to the member of the Board of Internal Improvement having the superintendence of that part of the public works which is supposed to occasion such injury, or under whose superintendence said supposed injury was committed, which written statement shall, by said superintendent be copied into a book to be kept for that purpose; and said superintendent shall lay said complaint before the Board of Internal Improvement at their next semi-annual meeting thereafter, which shall be filed among the papers of said Board, and said Board shall thereupon refer the subject matter of said complaint to three disinterested persons, as appraisers, to be named and appointed by said Board of Internal Improvement, to appraise and assess the damages of such complainant or complainants. The said Board shall fix the time or times and place or places for said appraisers to meet, and [cause] reasonable notice of the same to be given to such complainant or complainants of the time and place of the meeting of said

Claims for damages.

appraisers, and when said appraisers are so met, shall be sworn to do impartial justice between the state and complainant or complainants, according to the best of their understanding, and shall bring before them, and either of them shall swear such witnesses as they may think justice requires; and their decision and award they shall report to the said superintendent to whom the complaint was made, or his successor, and by him the same shall be copied into a book procured for the purpose, which decision of said appraisers shall be final, unless either party shall think proper to appeal to the circuit court of the county where such cause of difference arose, within thirty days after the decision and award of said appraisers, and when such appeal is taken it shall be governed by the same rules and regulations as appeals from judgments of justices of the peace, except no bond shall be required of the State in case she may be the supposed injured party; and on any appeal being taken, the member of the Board of Internal Improvement having possession of the books containing the said complaint, and the award of said appraisers, shall take the necessary appeal bond, sufficient in his opinion, to cover double the amount of the costs; and shall also make out and certify a transcript of said complaint, together with the award of the appraisers, in the same manner as transcripts are required to be certified by justices of the peace, in case of appeals; and in all cases in the assessment of damages as in this section provided for, the appraisers, the court, or jury shall take into consideration the benefits resulting to such complainant from the construction of the works which occasion the supposed injury; and the damages, so assessed by said appraisers, when no appeal is taken or the amount settled by the judgment of a judicial tribunal, shall be paid to the party injured by the Board of Internal Improvement: *Provided*, That no claim shall be recovered or paid by said Board unless the application therefor be made as herein provided within two years next after the property shall have been taken possession of as aforesaid: *Provided*, That no such appraiser or juror shall be the owner or lessee of any real property situated on or within one mile of the line of said work of improvement for damages for the construction of which such claim or complaint may be made.

Releases to be taken.

SEC. 18. The said Board of Internal Improvement shall, by any one or more of its members, proceed in due time along the lines of the said several works herein contemplated, and take from the several individuals through whose lands any of said contemplated works may

pass, or which may be contiguous thereto, releases to the state of the necessary land, timber, stone, sand, or other material, for the purposes of constructing any or all of said works, or for repairing the same, and for building-ground for the construction of mills or other hydraulic machinery to be propelled by the water power of any such canal, and also to enter and purchase, on behalf of the state, any lands belonging to the general government or to individuals contiguous to such work for the same purpose, and file the same in the office of the Secretary of State; which releases shall operate so as to vest in said state a full and complete right to enter upon, use, and take the same at any and all times thereafter.

SEC. 19. Said Board, or any member as aforesaid, in taking releases as aforesaid, is hereby authorized, in consideration of any privilege granted by individuals to the state of the right of way or other privilege, to contract with such individual, on behalf of the state, to erect across said Canal any bridge or bridges for the benefit of such individual and the public.

SEC. 20. In erecting any bridge or other structure across any river or stream, for the purpose of carrying any canal or rail-way across such river or stream, the said Board shall cause to be constructed, in addition to the usual structures necessary for a canal or rail-way, a way for wagons and carriages, if they shall deem it expedient.

Wagon way in bridges to be constructed.

SEC. 21. The appraisers appointed by the Board of Internal Improvement to assess damages in pursuance of the provisions of the sixteenth section of this act shall each be allowed the same compensation per day as is or shall be allowed to a member of the Board of Internal Improvement, and so much of the laws of this state now in force as provides for creating, continuing, or compensating a state board of appraisers be and the same is hereby repealed.

Compensation to appraisers.

Repeal.

SEC. 22. So soon as the site of any lock, dam, or other structure on any or either of the Canals or Feeders as authorized by this act shall be determined on, at which there will be any water power created, it shall be the duty of the Board of Internal Improvement to procure by donation or purchase, on behalf of and for the use of the state, the necessary ground for the profitable use of such water power, provided the same can be procured at what said Board may consider a fair or reasonable price.

Board to procure ground for the use of water power.

SEC. 23. Whenever in the opinion of the Board of Internal Improvement there shall or may be surplus water,

Water power, &c. to be leased.

over and above the quantity required for navigation, in either of the Canals or Feeders authorized by this act, or at any dam erected at the expense of the State; or where the water which shall or can be passed around any lock from one level to another without injuring the navigation, may be sufficient to propel hydraulic machinery, the Board of Internal Improvement is hereby authorized to cause such surplus water, with such portions of ground belonging to the State as may be necessary to its use, to be leased to the highest bidder for hydraulic purposes, under such conditions and restrictions as they may deem necessary and proper for the interest of the state, but no water power shall be leased unless the ground on which it is proposed to be used shall be the property of the state.

Reservation in the lease, &c.

SEC. 24. Every lease, grant, or conveyance of water power, made in pursuance of this act, shall contain a reservation or condition that the State, by its authorized agent or agents, may at any time reserve the right to use the water or any part thereof, whenever it may be deemed necessary for the purposes of navigation, or whenever its use for hydraulic purposes shall be found in any manner to interfere with the convenient navigation of the Canal near which the same may be situated. And whenever such privilege may be resumed in whole or in part, the sum paid therefor, or such portion thereof as may upon equitable principles be determined upon, agreeably to the stipulations of the lease or deed of conveyance aforesaid, shall be refunded to the purchaser or lessee, his or their heirs or assigns.

Provisions in relation to the Lawrenceburgh and Indianapolis Rail Road Company.

SEC. 25. That it shall be lawful for the Lawrenceburgh and Indianapolis Rail Road Company to receive in payment of stock therein, to the extent of five hundred thousand dollars, the bonds of stockholders payable to said company in twenty years from the 1st day of January, 1836, with interest semi-annually at the rate of six per centum per annum, payable at some one of the Branches of the State Bank of Indiana, together with mortgages on real estate of the full value of the real sum intended to be covered thereby exclusive of perishable improvements, which bonds and mortgages may be assigned and transferred to the state of Indiana by order of the Board of Directors of said company by endorsement thereon, signed by the President and attested by the Secretary of said company in form following, viz: "The within is hereby assigned for value received to the state of Indiana."

CHAPTER VI.

AN ACT amendatory of an act entitled "an Act relative to County Seminaries," approved February 4th, 1831.

(APPROVED FEBRUARY, 8, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That in all cases where fines are assessed against any person in this state, the proceeds of which go to the use of the County Seminary, the receipt of the trustees of such County Seminary or other person authorised to receive the same, for such fines, shall in all such cases be a sufficient release from such liability,

Receipt of seminary Trustees, for fines sufficient release

This act to take effect and be in force from and after its passage.

CHAPTER VII.

AN ACT to provide for an equitable mode of levying the taxes of this State.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all lands and town lots, with all buildings erected or made thereon or attached thereto, together with all improvements, which are the property of any individual or individuals, body corporate, or politic, and all personal property, shall be, and the same are hereby declared to be subject to taxation; with the exemptions hereinafter specified; to be levied and collected agreeably to law. The terms "personal property," in this section shall be construed to mean and include household furniture, all monies on hand, also all monies loaned at interest, goods, chattles, public stocks, and stocks in monied corporations. They shall also be construed to include such portion of capital of incorporated companies, liable to taxation by the laws of this State, as shall not be vested in real estate.

Subjects of taxation.

Term 'personal property' defined.

SEC. 2. All lands belonging to the United States or to this State, together with the improvements thereon; all lands sold by Congress for the term of five years from the day of sale; all lands with the improvements thereon not exceeding ten acres, the title of which is vested in any trustee or trustees, body corporate or politic, for the use of, and in trust for any religious society, and occupied by any such society, for the use of a meeting house

Property exempt from taxation.

or burying ground; all lots of ground set apart for school houses, seminaries, academies, or colleges, not exceeding twenty acres, with the buildings and improvement thereon, occupied for such purposes; all lands set apart for the use of common schools; all state and county libraries; and all libraries and philosophical apparatus belonging to, or used by, any incorporated college or academy or society for the promotion of science; all lands owned by any county or counties in this state, and set apart for the use and support of the poor of such county or counties, not exceeding two hundred acres; all county grounds and county buildings set apart for county purposes; all hospitals, alms houses, houses for the correction or reformation of offenders, and the real and personal property belonging thereto; and all stocks owned by the state or by literary or charitable institutions; and all the personal property of a widow and orphan children, if it does not exceed two hundred dollars in value, the necessary beds and bedding, not exceeding two to each family, and the wearing apparel for each family, shall be exempt from taxation; *Provided*, That each and every individual subject to taxation by this act, shall be exempt from paying taxes on one hundred dollars worth of personal property; *Provided*, That stock held in any turnpike or rail road company, shall not be subject to taxation previous to such company charging and receiving tolls; and *Provided* That no corporation nor stockholder thereof shall be liable to pay any tax for stock, which shall have been converted into property for which such corporation or stockholder is liable to pay taxes by the provisions of this act; *Provided, always*, That if any person who may have served in the land or naval service of the United States during the revolutionary war, shall make and file with the assessor, an affidavit sworn to before such assessor, setting forth that he has served as aforesaid, for three months or more, such person shall be exempt from the payment of a poll tax, and a tax on his personal property, and on his real property to the amount of one hundred and sixty acres of land.

Assessors when and how appointed. *SEC. 3.* For the purpose of ascertaining the number of taxable inhabitants, and amount of taxable property in this state, it shall be the duty of the board doing county business in each county at their next March term, and at their January term annually thereafter, to appoint one or more assessors whose duty it shall be within ten days after his appointment, of which he shall be notified by a summons issued by the clerk and served by

Proviso.

Proviso.

Proviso.

Revolutionary
Soldiers ex-
empt to a cer-
tain extent.

the sheriff, to enter into bond to the State of Indiana, with security to be approved by the clerk in his office, in the penalty of three hundred dollars, conditioned for the faithful performance of his duties as such assessor; and shall also take an oath or affirmation to be administered by said clerk, that he will, without partiality, to the best of his judgment and skill, well and faithfully discharge the duties required of him by law.

SEC. 4. If any assessor appointed under the provisions of this act, shall fail or refuse to accept of such appointment, within ten days after he shall have received notice thereof, the clerk upon such failure to attend and qualify, as herein directed, shall issue a summons, to be served by the sheriff, directed to the members of the board doing county business, informing them of such failure to qualify and act as assessor or assessors, naming in said summons a day for the members of said board, not exceeding ten days from the date thereof, to meet at the court house, to appoint an assessor in his place; and said board shall thereupon convene at the time specified in such summons, and appoint another assessor, or assessors who shall appear at the office of said clerk, and qualify and give bond as hereinbefore directed. And should any assessor die or become unable by bodily infirmity or any other cause, to complete his assessment, according to the provisions of this act, upon information thereof given to the clerk aforesaid, a like summons as above mentioned, shall be issued to the board doing county business, who shall thereupon appoint some suitable person to complete such assessment; who shall give bond and qualify as above directed; and such last assessor shall demand and receive the assessment roll of his predecessor, of such predecessor, or the person in whose possessions the same may be, and shall proceed to complete the assessment of polls and taxable property, according to the provisions of this act; and if the assessment roll of his predecessor cannot be obtained, the clerk shall upon application, make out a new roll; and such assessor shall proceed to make his assessment as if he had been appointed the original assessor; *Provided, however*, That when any person shall fail or refuse to accept and qualify, when appointed assessor by the board doing county business, he shall forfeit and pay any sum not exceeding twenty-five dollars, for the use of the county seminary, of the proper county, to be recovered by the county treasurer in the name of the State of Indiana, before any court having competent jurisdiction thereof.

Bond.

Oath.

Assessors failing to accept, &c. the clerk shall convene county board, &c.

When a person is prevented by death or other cause from completing his assessment the board shall be convened in like manner as above, to fill the vacancy.

Clerk shall prepare list of all lands subject to taxation, and preserve same in his office.

SEC. 5. The clerk of each county shall, within twenty days after the appointment of such assessors, prepare a list of all lands on the assessment and tax rolls of his county, subject to taxation, whether the same shall be delinquent or otherwise: also a list of such lands as shall become subject to taxation for the first time, and certified to him by the Auditor of Public Accounts; and the same preserve in his office, by which the several assessors and county commissioners shall correct the general assessment roll.

Duty of assessors.

SEC. 6. Said assessor, forthwith, after being qualified into office as aforesaid, shall proceed to take a list of all the taxable inhabitants of his district, and make an assessment of all the property therein made subject to taxation by this act, and for that purpose he shall call on each person resident in his district, and request of such person a list of all his real property liable to taxation as aforesaid in said district, carefully informing such person what property is subject to taxation under this act; which list written down by such person or said assessor shall particularly set forth the owner or owners, the number of acres of land in each particular tract, section, or subdivision thereof, the range, township, section, quarter section, quarter-quarter section, or other subdivision thereof, or the number of the entry, survey, or grant, as the nature of the particular or general authorized surveys may require so as completely to identify the same; also all town, in and out-lots, with the number thereof as described on the plat of such town as exhibited on the record of said plat, recorded in the recorder's office of the county; also, the aggregate value of all his personal property made subject to taxation.

Trustees, guardians, &c. how assessed.

SEC. 7. When any person is assessed as trustee, guardian, executor, or administrator, he shall be assessed as such, in his representative character; and such assessment shall be carried out in a separate line from his individual assessments.

Where the assessor cannot procure a list of taxables, he shall make a list from the best information he can obtain.

SEC. 8. That whenever the assessor shall be unable to procure from such person or persons a list of their taxable property, or whenever any person having property subject to taxation shall not reside within the district where the same shall be situated, and shall fail to deliver to said assessor a list thereof ten days before the time the assessor is bound to return his assessment according to law, it shall be the duty of said assessor to make a list thereof from the best information he may be able to obtain, noting such fact in his list; but if such

person or persons shall make out and deliver to said assessor a list of his property subject to taxation before the time of said assessor's returning his assessment to the clerk as hereinafter provided, such assessor shall receive such list and correct such valuation thereby if necessary.

SEC. 9. The real property of non-residents or persons whose names are unknown, together with the value of the same and all improvements and buildings thereon, shall be designated in the same assessment roll, but in a part thereof separate from the other assessments.

Property of non-residents, &c., how designated.

SEC. 10. If any tract of land, in-lot or out-lot, be owned by two or more persons, it shall be lawful for such persons or either of them to list their respective shares severally or collectively, as he, she or they shall deem expedient, in which case, said assessor shall note in his list the tenancy of said real property, together with the whole number of acres contained in the whole of said tract or parcel of land.

Land &c. owned by more than one person may be listed in shares at the option of the owners.

SEC. 11. It shall be the duty of the President, Cashier, Secretary, Treasurer or other proper agent of any incorporated company whose funds, property, or stock are subject to taxation by this act, to make out and deliver to said assessor a list of all the property, funds, and stock, of such company or institution liable to taxation, on or before the twentieth day of April in every year.

List of property belonging to a corporation, by whom and when made.

SEC. 12. It shall be the duty of such assessor upon actual view to make a true valuation of all the real estate, together with all improvements and buildings thereon or affixed thereto, at their full value in money as he would appraise the same in the payment of a just debt due from a solvent debtor, taking into consideration the fertility and quality of the soil, the vicinity of the same to rail roads, M'Adamized or clay turnpike roads, towns or villages, navigable rivers, water privileges on the same or in the vicinity of the same; the location of the route of any canal or canals with any other local advantages of situation.

Valuation of real estate, &c. to be made by assessor.

SEC. 13. It shall be the duty of every person possessed of personal property subject to taxation, to give a fair and true valuation thereof, at the time he gives in his list as aforesaid. If such assessor shall not be satisfied with the valuation of the personal property by the owner, his agent, or the guardian, or the trustee thereof, he may himself make a valuation of the same at its full cash value, according to the best of his knowledge and information.

Valuation of personal property to be given by owner, or assessor may fix valuation.

Affidavit may be filed with the assessor before he shall have completed the assessment, that the list given in is true, &c.

Sec. 14. It shall be lawful for any person, or the agent, trustee or guardian of any person whose property is subject to taxation, at any time before such assessor shall have completed his assessments, to make and to file with the proper assessor an affidavit, that the list of his property, as given in by him is true and correct, to the best of his knowledge; and that the property therein specified does not exceed a certain sum in value to be named in said affidavit, stating therein separately the value of the several kinds of property hereinafter required to be separately designated by such assessor in his assessment-roll; and said assessor is hereby authorized to administer the necessary oath or affirmation to the person making such affidavit.

Owner failing to give list is subject to a fine assessor shall list, &c. from the best information he can obtain.

Sec. 15. If any person resident of the county in which his property is subject to taxation shall fail or refuse to give in a list of the same when requested by the assessor agreeably to the provisions of this act, or shall fraudulently omit to give in any part of his, her, or their, property hereinbefore required to be listed, he, she, or they so failing or refusing shall forfeit and pay any sum not exceeding one hundred dollars for the use of the county seminary of the proper county, to be prosecuted in the name of the State of Indiana by the assessor; to be recovered by indictment before any court having competent jurisdiction thereof; and shall be moreover liable to the payment of his, her, or their proper taxes, and the assessor shall list and take a valuation of the same liable to taxation from the best information he may be able to obtain, as in the sixth section of this act required.

List of assessments when to be delivered to the clerks.

Sec. 16. Each assessor shall, on or before the second Monday in June, 1836, and annually thereafter, on or before the first day of May, deliver to the clerk of his proper county, the list of his assessments, made as aforesaid, particularly noting the number of acres in each congressional township, or fractional township, properly verified by affidavit, to be by said clerk laid before the board doing county business at their next subsequent term.

County board shall compare roll with the tract books, &c. order corrections.

Sec. 17. The board doing county business, on the second Monday in June, 1836, for which purpose the Board shall hold a special session, and annually thereafter at their term next after the return of the assessment rolls of the assessor shall be made as aforesaid, shall carefully compare the additions of the number of acres on said lists with the additions of the same townships on the tract book deposited in the clerk's office; and if found to be less than the number of acres taxable, according to said tract

book, they shall order the clerk, previously to making out the duplicate, to correct such omissions by the tract book, and shall proceed to hear and determine the complaint of any owner or owners of any property contained in said assessment rolls relative to the listing or valuation, and to correct the same as right and justice may require; and said board shall have power to equalize the valuation of the lands in the respective districts of their county, which they shall do by adding to, or deducting from, the aggregate valuation made by the assessor of such district, such per centum as they may deem necessary to equalize the valuation of the lands of such district with the other districts of the county.

Shall hear complaints.

May equalize valuation of lands of respective districts.

Sec. 18. The clerk of such board shall carefully note all corrections of the listings, assessments and valuations which may be made by said board; and also correct the valuation of the lands of such district according to the per centum ordered by said board to be added to or deducted therefrom.

Clerks shall note corrections.

Sec. 19. The clerks of the respective counties shall also, on or before the first Monday of December 1836, and on or before the first day of July in each year thereafter, transmit to the Auditor of Public Accounts, a certified copy of the Collector's bond, and a statement of the valuation of the property in his county, setting forth separately the aggregate valuation of all lands, together with the number of acres in each congressional township or fractional township; also, town in and out-lots, and the improvements thereon, the aggregate value of all personal property subject to taxation, and all corporation stock, showing fully the whole amount of the valuation of the property in such county liable to taxation; which statement shall by said Auditor of Public Accounts be laid before the General Assembly on or before the expiration of ten days from the said first Monday of December; and should any clerk fail to transmit the statement above specified to the Auditor of Public Accounts, he shall, on conviction, upon presentment or indictment in the county in which such clerk resides, be fined in any sum not exceeding one hundred dollars; and it is hereby made the duty of the Auditor of Public Accounts to inform the several Prosecuting Attorneys of this State, of all such omissions of duty by the clerks in their several circuits, who shall present the same to the grand jury of the county in which such clerk resides.

Copy of collector's bond and statement of valuation of property shall be transmitted to Auditor.

Statement to be laid before Legislature.

Penalty on clerks for failing to transmit statement.

Sec. 20. All taxes necessary for the support of the government of this State, shall be assessed on the grand levy, in an equal and ratable proportion, in manner following, &c. of taxation.

lowing, to wit: The per centum necessary to be charged on the dollar on said grand levy, for the purpose of defraying the state expenditure shall be fixed from time to time by law: the board doing county business in each county shall, on the second Monday in June, 1836, and at their annual meeting in May, thereafter, determine the per centum necessary to be levied for the purpose of defraying the expenditures of their respective counties, and also the per centum necessary to be levied for road purposes not less than one-fifth part of the per centum levied for state purposes.

Clerks to make out duplicate.

SEC. 21. The clerk of each county in this State shall annually, from and after the time when the provisions of the twentieth section of this act shall have been acted upon and carried into effect, make out complete and perfect duplicates of the assessment rolls or tax lists from the assessments returned by the respective assessors, and the corrections thereof made by the board doing county business, one of which shall be retained by him in his office, among the files of said board doing county business, and the other, he shall deliver to the proper officer whose duty it may be to collect and receive the revenue herein provided to be levied and collected, which last mentioned duplicate shall be directed to such officer with a precept in the name of the state tested by the clerk, and under the seal of the board doing county business, commanding him to collect and receive the taxes charged in said duplicate according to law, and that he pay over the monies collected by him by virtue of said precept as required of him by the statute in such cases made and provided, and the collector shall pay over to the state treasurer all state revenue, on or before the second Monday in December in every year; and all county funds collected for county purposes into the county treasury, on or before the first Monday in March in every year.

State and county revenue when to be paid into the respective treasuries.

Lands, &c. not before listed shall be entered on the roll by assessor.

SEC. 22. Whenever any collector shall discover, during the time he is making his collection, any lands or town lots, or other property or polls liable to taxation, which have not before been listed or entered on the assessment rolls of the county, it shall be his duty to enter and value the same on his roll, as other lands or town lots are entered and valued, noting the facts in his return, and collect the taxes that may be due thereon, accounting, specially and particularly to the County Boards for all sums, he or they may collect by virtue of such assessment and valuation, and under oath.

Duty of persons owning

SEC. 23. It shall be the duty of every person whose lands or town lots are subject to taxation, but which are

not entered in his name for taxation, to enter the same on or before the first day of January, in each year. Whenever by a sale or partition of any lands or town lots, a transfer thereof may be necessary on the tax list or duplicate, the same may be made by the seller and purchaser, or the person making partition thereof agreeing thereto, before the clerk, or by either party producing to said clerk a written certificate thereof, signed by the parties interested, describing the tract or tracts of land, or the part or parts of town lots to be transferred on such tax duplicate. No sale or conveyance of any land or town lot which may stand entered for taxation shall have any effect upon charging the same with taxes until the proper transfer shall have been made as aforesaid, but such land or town lot shall be liable to be charged with taxes and forfeited and disposed of for the same, and the said taxes shall be collected thereon in the same manner as if no sale or conveyance had taken place: *Provided, however,* that such clerk shall be bound *ex officio* to note and make the proper transfer of all sales and conveyances under any judgment or decree of the circuit or probate court of his county.

lands or town lots subject to taxation.

Transfer on tax list where the property has been sold, how made.

In sales under judgments clerks shall enter transfer.

SEC. 24. The lien of the State for all taxes for State and county purposes shall attach on all lands and town lots and the improvements thereon, on the first Monday of May, 1836, and on the first Monday in January annually thereafter, which lien shall be perpetual for all such taxes and the interests and penalties thereon; and all taxes on personal property shall have preference to all other claims and demands.

Lien for taxes when attach.

SEC. 25. That there shall be assessed on each male inhabitant over the age of twenty-one and under the age of fifty years, the sum of fifty cents, for the purpose of state revenue; and the board doing county business may assess for county purposes on each person within the ages aforesaid, a sum not exceeding seventy-five cents, which taxes so assessed as aforesaid shall be collected as other taxes, and that twelve and one half cents of each poll tax, collected for state purposes, to be paid by the collectors to the treasurer of each congressional township or fractional township of each county, together with a list of the number of persons who have paid a poll tax in said township: and the treasurer shall open a book of accounts with each school district in his township, and distribute the funds acquired by virtue of this act, in the same manner that other congressional township school funds are distributed.

Poll tax.

A part of the poll tax reserved for school purposes.

Rate of taxation.

SEC. 26. For the purpose of state revenue for the year one thousand eight hundred and thirty-six, the boards doing county business in the several counties in this State shall, at their May term, fix the per centum to be levied and collected on all real property and improvements thereon; all stock in incorporated companies, actually paid in, to be assessed to such companies, and all personal property made liable to taxation by this act, at five cents on each hundred dollars of valuation thereof, and in like proportion for a greater or less amount, and for the purposes of county revenue, they shall at the same time on all property made liable to taxation by this act, fix any per centum, by them deemed necessary, on each hundred dollars of valuation thereof, to be levied and collected as is herein directed.

Five per cent. of the State revenue set apart for common schools.

SEC. 27. That the boards doing county business in the several counties in this State, be, and they are hereby authorized and directed to set apart for the encouragement of common schools five per centum of the gross amount of revenue collected in their respective counties for state purposes; which sum so set apart, shall be deposited with the school commissioner to be by him equally divided between the several township schools in his respective county, in proportion to the amount of revenue paid by each township.

County board, &c. to be governed by the revenue laws, &c.

SEC. 28. The boards doing county business in the several counties in this State, the clerks of the respective counties and the collectors, the Auditor and Treasurer of State shall each be governed in every respect by the laws now in force regulating the collection of the revenue, so far as the same shall not contravene the provisions of this act.

Compensation to assessors and clerk.

SEC. 29. Each assessor shall keep a correct and accurate account of the time actually spent and the services performed under the provisions of this act, and lay the same before the board doing county business; and such board shall examine such assessor under oath or affirmation, touching the truth of his account, and may propound to him such questions touching the same, as they may deem proper; whereupon such board shall make to the assessor such allowance as they shall consider sufficient compensation for his services, to be paid on the order of the board, as other moneys are usually paid, out of the county treasury; and the clerk of said board shall, in like manner, keep an account of his services herein required, and the said board may make to him such additional allowance therefor as to them may seem just:

SEC. 30. The following forms and directions shall be substantially pursued by the respective officers therein named, in executing the duties respectively assigned them:

From of an Affidavit required by the second section.

STATE OF INDIANA, COUNTY, ss.
Personally appeared before me, A. B., assessor of township, in said county, C. D., who being by me duly sworn, makes oath and says that he served in the land (or, as the case may be, naval) service of the United States during the revolutionary war for three months, (if he served a longer period it may be so stated.)
C. D.

Sworn to this day of A. D.
A. B. Assessor, [L. s.]

Form of an Affidavit required by the fourteenth section.

STATE OF INDIANA, COUNTY, ss.
Personally appeared before me, A. B., assessor of township, in said county, E. F., and delivered to me, as such assessor, the list of his taxable property; and the said E. F. being by me duly sworn, made oath, that the list of his property, as given in by him is true and correct to the best of his knowledge, and that the several kinds of property specified in his said list do not, according to the best of his judgment and belief, exceed in value the following sums, to-wit: (insert the several kinds of property required to be separately designated by the assessor in his assessment roll, with the value of each annexed thereto.)
E. F.

Sworn to this day of A. D.
A. B. Assessor, [L. s.]

Remarks.	
Total amount of Taxables.	\$ Ct.
Aggregate value of Taxable Property.	\$ Ct.
Value of Corporation Stock.	
Value of Lots and Improvements.	\$ Ct.
No. of Blocks or Squares.	
Parts of Out Lots.	
Parts of In Lots.	
Out lots.	
In lots.	
Names of Towns.	
Value of Lands and Improvements.	\$ Ct.
Range.	
Township.	
Section.	
Quarter.	
Half Quarter.	
Quarter Quarter.	
Hundredths.	
Acres.	
Polls.	
Persons' names.	

SEC. 31. The clerk in making out his assessment roll for the assessor as aforesaid, whenever he may be enabled to discover from the lists, duplicates, maps, or other evidence in his possession, who may be the owner or owners of any tract or lots of land, shall enter the same on the roll, and such assessor shall assess the same from the best information he can procure, setting down in the proper column the name or names of the owner or owners thereof, if he can ascertain them, noting the facts in his return in the space left for remarks. The assessor will set down in the proper column, the value of the several tracts or lots of land on his roll, and also the valuation of personal property taken under the provisions of this act. Whenever said assessor shall discover any lots or tracts of land subject to taxation, not entered in his roll, he shall enter and value the same, noting such fact in his return. The clerk shall afford sufficient space in the roll for entering a complete list of all the taxable inhabitants in the township, and the assessor shall enter therein the names of all such as have not been entered as the owners of real estate, with the number of polls, property, &c. subject to taxation, and the value thereof. N. B. This form can easily be so altered as to answer any grants or surveys, varying from the present United States surveys, and will also answer for the form of a duplicate, by adding the proper columns for containing the amount of taxes respectively levied for state, county, and road purposes, &c.

Directions to
Clerks and As-
sessors.

SEC. 32. The clerk in making out his duplicates shall insert therein the property of all non-residents, but in a part thereof, separate from the other assessments.

SEC. 33. Nothing in this act shall be so construed as to render the person holding the office of sheriff ineligible to the appointment of collector. Sheriff may be collector.

SEC. 34. That so much of the act entitled "an Act to amend and revise the act entitled 'an act to incorporate the several townships in the county of Dearborn and Switzerland, as contravenes the provisions of this act, and as provides that the treasurer of the county of Switzerland shall be the collector of the state and county revenue for said county, be, and the same is hereby repealed. Repeal of a part of an act in relation to the county of Switzerland.

SEC. 35. Should any board of county commissioners fail or neglect to appoint competent assessors and collectors within their proper county, as by this act directed, or neglect any other duty enjoined on said boards by law, by which the revenue shall fail to be collected, every member of such county board, so failing or ne-

Penalty on
county board
for neglect of
duty.

CHAPTER VIII.

AN ACT providing for the holding of the terms of the Circuit Courts the eighth judicial Circuit for the year 1836.

(APPROVED FEBRUARY 4, 1836.)

Times of holding spring terms

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Circuit Courts of the several counties composing the eighth judicial circuit, for the first or spring term of the year eighteen hundred and thirty-six, shall be holden on the days and at the times following, to wit: In the county of Cass, on Monday the 8th day of February; in the county of Miami, on Monday the 22d day of February; in the county of Wabash, on Monday the 29th day of February; in the county of Huntington, on Monday the 7th day of March; in the county of Allen, on Monday the 14th day of March; in the county of Lagrange, on Monday the 4th day of April; in the county of Elkhart, on Monday the 11th day of April; in the county of St. Joseph, on Monday the 18th day of April; in the county of Laporte, on Monday the 25th day of April; and the said circuit courts at the said spring terms thereof, may each sit one week, if the business thereof shall require it, except the circuit courts of the said counties of Cass and Laporte, which may severally sit two weeks if the business thereof shall require it; and the circuit court of the said county of Allen may sit three weeks, if the business thereof shall require it.

Times of holding fall terms.

SEC. 2. the said circuit courts for the said circuit for the second or fall term thereof, in the year eighteen hundred and thirty-six, shall be holden on the days and at the times following, to wit: In the county of Cass, on Monday the 8th day of August; in the county of Miami, on Monday the 15th day of August; in the county of Wabash, on Monday the 22d day of August; in the county of Huntington, on Monday the 29th day of August; in the county of Allen, on Monday the 5th day of September; in the county of Lagrange, on Monday the 19th day of September; in the county of Elkhart, on Monday the 26th day of September; in the county of St. Joseph, on Monday the 3d day of October; in the county of Laporte, on Monday the 10th day of October; and the said circuit courts, at the said last mentioned term thereof, may severally sit one week, if the business thereof shall require it, except the circuit court of the said county of Allen, which may sit two weeks, if the business thereof shall require it.

SEC. 3. That the counties hereinafter named be, and the same are hereby attached to and shall form a part of the said eighth judicial circuit, to wit: The counties of Porter, Marshall, Fulton, Kosciusko, Noble, and Adams; and the circuit courts in the said counties in this section named, shall be holden on the days and at the times following, to wit: In the county of Porter, on the Monday succeeding the court in the county of Laporte, in the month of October, in the year eighteen hundred and thirty-six; in the county of Marshall, on the Monday succeeding the court in the county of Porter; in the county of Fulton, on the Thursday succeeding the court in the county of Marshall; in the county Kosciusko, on the Monday succeeding the court in the county of Fulton; in the county of Noble, on the Thursday succeeding the court in the county of Kosciusko; and in the county of Adams, on the Monday succeeding the court in the county of Noble; and each of said circuit courts in this section mentioned, may sit three days, if the business thereof shall require it, except the circuit court in the county of Porter, which may sit one week, if the business thereof shall require it.

Counties attached to said circuit and times of holding courts therein.

SEC. 4. The petit jurors summoned to attend at the spring terms of the said circuit courts of the said counties of Cass and Laporte, shall serve as such jurors during the whole of said spring terms, if necessary; and the petit jurors which are or may be summoned to attend the said Allen circuit court for the second week of the said spring term, shall also serve as such jurors during the third week of said term, if necessary.

Regulation as to jurors in certain counties.

SEC. 5. All writs, subpoenas, venires, rules, orders of court, recognizances, and all process whatever, which may have issued from any circuit court in said eighth judicial circuit, since the last sitting thereof, or which may hereafter issue, previous to the taking effect of this act, in the several counties in said circuit, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the several circuit courts to be holden by virtue of this act: and all suits, pleas, complaints, prosecutions, recognizances, actions, motions, or other proceedings, either civil or criminal, which are now pending, or which hereafter shall be pending, prior to the taking effect of this act, shall be taken up and acted upon at the term of such court, to be holden under this act, and be disposed of in the same manner as if no alteration had been made in the times of holding such courts.

Regulation as to pending suits, &c.

Repeal.

SEC. 6. All acts and parts of acts coming within the purview of this act, are hereby repealed.

This act to be in force from and after its passage, and the same to be published in the Indiana Journal and Democrat.

CHAPTER IX.

AN ACT to change the time of holding courts in the fifth judicial circuit.

(APPROVED FEBRUARY 6, 1836.)

Times of holding.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Circuit Courts for the several counties within the fifth judicial circuit, shall, from and after the passage of this act, be holden on the following days to wit: In the county of Madison, on the fourth Mondays in March and September; in the county of Hancock, on the first Mondays in April and October; in the county of Shelby on the second Mondays in April and October; in the county of Bartholomew, on the third Mondays in April and October; in the county of Johnson, on the fourth Mondays in April and October; in the county of Marion, on the first Monday in May and fifth Monday in October; in the county of Morgan, on the second Monday in May and first Monday in November; in the county of Hendricks, on the third Monday in May and second Monday in November; in the county of Boone, on the third Mondays in June and December; and in the county of Hamilton, on the fourth Mondays in June and December.

Length of terms.

SEC. 2. The Circuit Courts of said counties shall each hold their sessions for the period of six days, or so long as may be necessary for the despatch of business, except in the county of Marion, the court shall hold its session for the period of twelve days, or so long as may be necessary for the despatch of business.

Change in Commissioners' and Probate courts when they clash with the Circuit court

SEC. 3. Whenever it shall happen that the day fixed by law for the holding of sessions of the courts doing county business, shall fall within the period prescribed by this act for the holding of sessions of the Circuit Court, then shall the sessions of the court doing county business be accelerated to the Monday but one previous to the sitting of the Circuit Court. And when it shall so happen that the time fixed by law for the session of the Probate Court shall fall within the period prescribed by this act for the session of the Circuit

Court, then the session of such Probate Court shall be postponed to the Monday but one subsequent to the time hereby fixed for the termination of such Circuit Court.

SEC. 4. All process made returnable into any of the Circuit Courts of the respective counties aforesaid, to the times heretofore fixed for the holding of the sessions thereof, shall be and the same are hereby declared and made returnable to the first days of the terms of said courts as fixed by this act; and all parties, persons, and officers are required to take notice of the changes in the terms of the courts doing county business, and Probate courts which may be produced; and all the transaction, of business and the discharge of all duty, official or personal, shall be postponed or accelerated to the time or times to which, by the operation of this law, the terms of such courts may be postponed or accelerated.

Return of process, &c.

Changes of Probate courts, &c., to be taken notice of by persons concerned.

This act shall be in force from and after the passage thereof, and shall be published in the Journal and Democrat.

CHAPTER X.

AN ACT to extend the time of returning to the clerks of the several counties, and the Auditor of State, assessments of property under the revenue law of 1835.

(APPROVED JANUARY 2, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That in all cases where the assessor or assessors in any county or counties of this State, shall have failed to make a return of lists of their respective assessments of property, to the clerk of their proper county, within the period prescribed by "an act to provide for an equitable mode of levying the taxes of this State," approved, February 7th, 1835, the time for making such return, is hereby extended to the twenty-fifth day of December, 1835, and that in all such cases, the time of making returns by the clerks of said counties, of the aggregate valuation of property, so as aforesaid returned by such assessors to the Auditor of Public Accounts, be, and the same is hereby extended to the first day of January, 1836. This act to be in force from and after its passage.

Time of making return extended.

CHAPTER XI.

AN ACT to repeal in part, the act entitled "an act for assessing and collecting the revenue," approved Feb. 10, 1831, and for other purposes.

(APPROVED JANUARY 26, 1836.)

Repeal of a part of the act of 1831.

Duty of assessors under 3d sec. of act of 1835.

Suspended to 15th Feb. 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act for assessing and collecting the revenue," approved Feb. 10, 1831, so far as the same authorizes the appointment of an assessor, be, and the same is hereby repealed; and that the duties of the assessors authorized to be appointed by the 3d section of an act, entitled "an act to provide for and equitable mode of levying the taxes of this State," approved Feb. 7, 1835, be, and the same are hereby suspended until the 15th day of February, 1836, and no longer.

SEC. 2. This act shall take effect and be in force from and after its publication in the Indiana Democrat and Indiana Journal.

CHAPTER XII.

AN ACT to enable the School Commissioners of the several counties of this State to correct the returns of the collectors.

(APPROVED FEBRUARY 1, 1836.)

School Commissioner required to correct the returns of collector.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the School commissioners of the several counties of this State, are hereby authorized, empowered and required, to correct the returns made by the collectors of their several counties of delinquent lands in such counties, on applications being made to them by the owners of such tract of land, and on proof having been made to them, that the taxes charged on any tract of land on the duplicate, had been duly paid to the collector of the proper county, before the same was returned to the commissioner as delinquent; and such tract of land shall be exempt from the payment of the per centum fixed by law for non-payment of taxes.

SEC. 2. The proof to be taken shall be by disinterested affidavit of the payment of the taxes or of the hand writing of the collector, to a receipt or receipts for the payment of the taxes. And in all cases, the collector

if living in the county, shall be subpoenaed to attend at the time of taking such affidavit, and shall have the right to cross examine the affiant before the commissioner, which cross examination shall be taken down in writing, and together with the affidavit, copied in a book, by the commissioner, to be kept for that purpose, such cross examination and affidavit shall be signed by the affiant, and put on file, in the commissioner's office. And any person making any false affidavit, or any material false answers on examination under this act, shall be liable to indictment and conviction for perjury.

SEC. 3. The commissioner may issue subpoenas and administer oaths under this act, and subpoenas shall be served as other subpoenas are served. And a collector or his deputy, shall be a competent witness in behalf of any person claiming to have paid his taxes.

SEC. 4. This act shall take effect and be on force from and after its passage.

Commissioners to issue subpoenas, &c.

CHAPTER XIII.

AN ACT to amend an act entitled, "an act for the appointment of Trustees to receive deeds for lots or lands, given or purchased for the use of Schools, Meeting Houses or Masonic Lodges."

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees who have been heretofore, or may hereafter be elected by any congregation, religious society or church, shall severally hold their offices, until their successors shall be duly elected or appointed, according to the rules of such society, church or congregation; and that hereafter, when any religious society, church or congregation, shall be desirous to change any of their trustees, either to fill vacancies or for other purposes, or to hold election for the same, they shall by an order of said church or congregation, direct the same to be holden agreeably to the provisions of the act to which this is an amendment; which election shall, in all things be conducted agreeably to the provisions of the law.

SEC. 2. So much of the act to which this is an amendment; as requires an annual election, be, and the same is hereby repealed.

Term of Office of trustees.

Election to fill vacancies, &c. how held.

Repeal.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XIV.

AN ACT to organize the county of Adams.

(APPROVED JANUARY 23, 1836.)

Rights and jurisdiction.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of March next, the county of Adams shall enjoy all the rights and jurisdiction which to separate [and] independent counties do and may properly belong.

Commissioners to locate seat of justice.

SEC. 2. That William Stewart, J. H. McMahan and Robert Hood of Allen county, John Kromer of Lagrange county, and W. G. Johnston of Huntington county, be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice of the said county of Adams, agreeably to the provisions of "an act to establish the seats of justice in new counties," approved January 14, 1824. The commissioners above named, or a majority of them, shall convene at the house of John Reynolds, in said county, on the third Monday in May next, or as soon thereafter as a majority of them shall agree upon.

Sheriff of Allen county shall notify commissioners

SEC. 3. It shall be the duty of the sheriff of Allen county to notify the commissioners above named, either in person or by writing, of their appointment, and place appointed for them to convene: and the board doing county business shall allow a reasonable compensation for their services, out of any moneys in the treasury of the said county of Adams.

Courts when to be held.

SEC. 4. Circuit and other courts of said county shall be held at the house of John Reynolds, or at any other place in said county where said courts may adjourn to, until suitable accommodations can be furnished at the seat of justice thereof, after which the courts shall be holden at the county seat.

Special sessions of county board and their duty.

SEC. 5. The board doing county business of said county, when elected and qualified, may hold special sessions, not exceeding three the first year after the organization of said county, and shall appoint a lister and make all other necessary appointments, and do and perform all other business which might have been necessary to perform at any regular session, and take all necessary steps to collect the state and county revenue.

This act to take effect and be in force from and after its publication.

CHAPTER XV.

AN ACT to organize the county of Jay.

(APPROVED JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of March next, the county of Jay shall enjoy all the rights and jurisdiction, which to separate and independant counties, do or may properly belong.

Right and jurisdiction

SEC. 2. That Jacob Thornburgh of Henry county, Zachariah Pucket, and Jeremiah Smith of Randolph county, Philip Moore of Delaware county, and Nathan Coleman of Allen county, be and they are hereby appointed Commissioners, for the purpose of fixing the permanent seat of justice of the said county of Jay agreeably to the provisions of "An Act to establish the seat of justice in the new counties," Approved January 14, 1824. The commissioners above named or a majority of them shall convene at the house of Henry H. Cuppy in said county, on the first Monday of June next or so soon thereafter as a majority of them shall agree upon.

Commissioners to locate seats of justice.

SEC. 3. It shall be the duty of the Sheriff of Randolph county to notify the commissioners above named, either in person or by writing of their appointment, and place appointed for them to convene, and the board doing county business, shall allow a reasonable compensation for their services, out of any moneys in the treasury of the said county of Jay.

Sheriff of Randolph county shall notify commissioners.

SEC. 4. Circuit and other courts of said county, shall be held at the house of Henry H. Cuppy, or any other place in said county, where the said court may adjourn to, until suitable accommodations can be furnished at the seat of Justice thereof, after which, the courts shall be holden, at the county seat.

Courts where to be held.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Jay, shall reserve ten per cent. of all donations of said county, and shall pay the same over to such person or persons as shall be authorised to receive the same, for the use of the county library for said county.

Library fund.

Special sessions
of the county
Board and
their duty.

SEC. 6. The board doing county business of said county when elected and qualified, may hold special sessions, not exceeding three the first year, after the organization of the county, and shall appoint a lister and make all other necessary appointments, and do and perform all other business which might have been necessary to be performed at any regular session, and take all other necessary steps to collect the state and county revenue.

Attached to
8th judicial
circuit, and 5th
congressional
district.

SEC. 7. The county of Jay, shall be attached to the eighth Judicial circuit of the State, for Judicial purposes, and be included in the fifth Congressional district. This act to be in force from and after its passage.

CHAPTER XVI.

AN ACT organize the county of Fulton.

(APPROVED JANUARY 23, 1836.)

Rights and ju-
risdiction.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of April next, the county of Fulton shall enjoy all the rights and jurisdictions, which to separate and independent counties do, or [may] properly belong.

Commissioners
to locate seat of
justice.

SEC. 2. James Hutchens of Laporte county, Erasmus Powell of Shelby county, Benjamin M'Carty of Porter county, James Stewart of Carroll, and Jeremiah Corbally of Marion county, be and they are hereby appointed, Commissioners for the purpose of fixing the permanent seat of justice of said county of Fulton, agreeably to the provisions of "an act to establish the seats of justice in the new counties," approved January 14, 1834 [1824.] The Commissioners above named, or a majority of them, shall convene at the house of Ebenezer Ward, in said county, on the second Monday of June next, or so soon thereafter as a majority of them shall agree.

Sheriff of Cass
county shall
notify court.

SEC. 3. It shall be the duty of the sheriff of the county of Cass, to notify the said commissioners above named, either in person or by writing, of their appointment and the place appointed for them to convene, and the board doing county business shall allow a reasonable compensation for his services, out of any money in the treasury of said county of Fulton.

Courts where to
be held.

SEC. 4. The circuit and other courts of said county, shall be held at the house of the said Ebenezer Ward, or at any other place in said county, where said courts

may adjourn to, until suitable accommodation can be furnished at the seat of justice thereof, after which the courts shall be holden at the county seat of said county.

Library fund.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Fulton, shall reserve ten per centum out of the proceeds thereof, and also ten per centum out of all donations to said county, and shall pay the same over to such person or persons as shall be authorized to receive the same, for the use of the county library of said county.

Special sessions
of county board
and their duty.

SEC. 6. The board doing county business when elected and qualified, may hold special sessions, not exceeding three, during the first year after the organization of said county, and shall appoint a lister and make out all other necessary appointments, and do and perform all other business which might have been necessary to be performed at any other regular session, and take all necessary steps to collect the state and county revenue.

SEC. 7. The county of Fulton, shall be attached to the eighth judicial circuit of this State, for judicial purposes, and be included in the fifth congressional district.

Attached to
8th judicial cir-
cuit and 5th
congressional
district.

This act to be in force from and after its passage.

CHAPTER XVII.

AN ACT to organize the county of Marshall.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of April next, the county of Marshall shall enjoy all the rights and jurisdiction which belong to separate and independent counties.

Rights and ju-
risdiction.

SEC. 2. That Hiram Wheeler and Griffin Treadway of Laporte county, and Samuel C. Sample and Peter Johnson of St. Joseph county, and John Rohrer, of Elkhart county, be, and they are hereby appointed Commissioners for the purpose of fixing the permanent seat of justice of the said county of Marshall agreeably to the provisions of "an act to establish the seats of justice in new counties," approved January 14th, 1824. The commissioners above named or a majority of them shall convene at the house of Grove Pomeroy, in said county on the second Monday of June next, or so soon thereafter as a majority of them shall agree upon.

Commissioners
to locate seat
of justice.

Sheriff of St. Joseph county shall notify commissioners.

SEC. 3. It shall be the duty of the sheriff of St. Joseph county to notify the commissioners above named, either in person or by writing, of their appointment and place appointed for them to convene: and the board doing county business shall allow said sheriff a reasonable compensation for said services, out of any moneys in the treasury in the said county of Marshall.

Courts, where to be held.

SEC. 4. Circuit and other courts of said county shall be held at the house of Grove Pomeroy, or at any other place in said county where said courts may adjourn to until suitable accommodations can be furnished at the seat of justice thereof, after which the courts shall be holden at the county seat.

Library fund.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Marshall, shall reserve ten per cent. out of all donations to said county, and shall pay the same over to such person or persons as shall be authorized to receive the same for the use of a county library for said county.

Special sessions of county board

SEC. 6. The board doing county business of Marshall county, when elected and qualified, may hold special sessions, not exceeding three the first year after the organization of said county, and shall appoint a lister and make all other necessary appointments, and do and perform all other business which might have been necessary to be performed at any regular session, and take all necessary steps to collect the state and county revenue.

Attached to 8th judicial circuit.

SEC. 7. The county of Marshall shall be attached to the eighth judicial circuit of the State for judicial purposes.

Northern line.

SEC. 8. The northern boundary line of the county of Marshall shall be extended to an east and west line running through the centre of township thirty-five north.

CHAPTER XVIII.

AN ACT to organize the county of Porter, and for other purposes.

(APPROVED JANUARY 28, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That from and after the first day of February next, all that tract of country included in the following boundary lines, shall form and constitute the county of Porter, to wit: commencing at the north west corner of Laporte county, thence running south to the Kankakee river, thence west with the bed of said river, to the centre of range seven, thence north to the state line, thence east to the place of beginning. And all that part of the country that lies north of the Kankakee river, and west of the county of Porter, within the State of Indiana, shall form and constitute a new county, to be known and designated by the name of Lake county.

Lake county formed.

SEC. 2. That the county of Porter shall, from and after the first day of February next, enjoy and possess all the rights, privileges, benefits and jurisdictions, which to separate or independent counties do or may properly belong.

Rights and jurisdiction.

SEC. 3. That Joel Long, of Kosciusko; Andrew Wilson, of Fountain county; Matthias Dawson and Judah Leaming, of Laporte county; and William L. Earl, of St. Joseph county, be, and they are hereby appointed commissioners agreeably to the act entitled "an act fixing the seats of justice in all new counties hereafter to be laid off." The commissioners aforesaid shall meet on the first Monday in June next, or any day thereafter, they may agree upon, at the house of Thomas Butler, in the said county of Porter, and shall proceed immediately to perform the duties required of them by law; and it shall be the duty of the sheriff of the county of St. Joseph to notify said commissioners, either in person or by writing, of their appointment, and for such service, said sheriff shall receive such compensation as the board doing county business of Porter county, may deem reasonable.

Commissioners to locate seat of justice.

SEC. 4. The circuit court and board of county commissioners, shall hold their sessions as near the centre of the county of Porter as a convenient place, can be had until the public buildings shall be erected.

Courts, where to be held.

SEC. 5. The county of Porter shall be attached to the eighth judicial circuit of the State for judicial purposes.

Attached to 8th judicial circuits.

Sheriff of St. Joseph county shall notify commissioners.

Special sessions
of county board
and their duty.

SEC. 6. The board doing county business, may as soon as elected and qualified, hold special sessions, not exceeding three during the first year after the organization of said county, and shall make all necessary appointments, and do and perform all other business, which may or might have been necessary to be performed at any other regular session, and take all necessary steps to collect the state and county revenue, any law or usage to the contrary notwithstanding.

SEC. 7. This act to be in force from and after its passage.

CHAPTER XIX.

AN ACT for the formation of the county of Brown.

(APPROVED FEBRUARY 4, 1836.)

Boundary.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of April next, all that tract of country included in the following boundary lines, shall form and constitute a new county, to be known and designated by the name of the county of Brown (in honor of the late Major General Jacob Brown.) Beginning at the north west corner of section one, in township ten north, of range one west of the second principal meridian; thence south, with the government land line twenty miles to the south west corner of section twelve, in township seven north, of the aforesaid range; thence east sixteen miles to the south east corner of section nine in the last named township, in range four east; thence north with the government land line twenty one miles to the north east corner of section four, in township ten north; thence west, with the line dividing townships ten and eleven sixteen miles to the place of beginning.

Rights and jurisdiction.

SEC. 2. That the new county of Brown shall, from and after the first day of April next, enjoy and possess all the rights, privileges, benefits and jurisdictions which to separate or independent counties do or may properly belong or appertain.

Commissioners
to locate seat
of justice.

SEC. 3. That James Alexander and Aquilla Rogers, of Monroe county; and David Deitz and Hiram Wilson, of Bartholomew county; and Stephen Sparks of Jackson county be, and are hereby appointed commissioners agreeably to the act entitled "an act fixing the seats of justice in new counties hereafter to be laid off." The commissioners aforesaid shall meet, on the second Monday in

August next, at the house of James Dawson, in the said county of Brown, and shall proceed, immediately, to perform the duties required of them by law; and it shall be the duty of the Sheriff of Monroe county to notify said commissioners, either in person or by writing, of their appointment on or before the second Monday in July next; and for such service he shall receive such compensation as the board doing county business, in said county of Brown, may, when organized, deem just and reasonable, to be allowed and paid as other county claims.

Sheriff of Monroe county shall notify commissioners.

SEC. 4. The Circuit Court, and the board of county commissioners, when elected under the writ of election from the Executive Department, shall hold their sessions as near the centre of the county as a convenient place can be had, until the public buildings can be erected.

Courts where to be held.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Brown, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a county library.

Library fund.

SEC. 6. The county of Brown shall be attached to the seventh judicial circuit of this state, for judicial purposes; and for representative purposes the citizens of said county shall vote with the counties of Bartholomew and Monroe in the following manner; those living within the territory of said new county, which was stricken from either of the counties aforesaid, shall vote with the respective counties from which they were stricken.

Attached for judicial and representative purposes.

SEC. 7. That the circuit courts shall be held in the county of Brown, on the Mondays succeeding the week of the Monroe Circuit Court, and sit three days at each term, should the business require it.

Times of holding circuit courts.

SEC. 8. That the justices of the peace in and for said county when elected and qualified, by a writ of election from the Executive Department, shall constitute the board of county commissioners; and the board of commissioners aforesaid shall hold special sessions not exceeding three, during the first year after the organization of said county, and shall make all necessary appointments, and do and perform all other business which may or might have been necessary to be performed at any other regular session, and to take all necessary steps to collect the state and county revenue, any law or usage to the contrary notwithstanding.

Justices of the peace shall constitute county board.

Special sessions of the board.

Certain acts to be in force in county.

SEC. 9. That the act entitled "an act providing the mode of opening and repairing public roads and highways in the county of Monroe, (approved February 2d, 1833.) And the act entitled "an act to amend the several acts regulating the jurisdiction and duties of justices of the peace in the several counties herein named, approved February 7, 1835, be, and the same are hereby declared to be in force in the said new county of Brown.

SEC. 10. This act to be in force from and after its passage.

CHAPTER XX.

AN ACT to organize the county of Noble.

(APPROVED FEBRUARY, 6, 1836.)

Rights and jurisdiction.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of March next, the county of Noble shall enjoy all the rights and jurisdiction, which to separate and independent counties do or may properly belong.

Commissioners to locate seat of justice.

SEC. 2. That Albert Powell of Lagrange county, John Carpenter and Eli Penwell of Elkhart county, and Rufus McDonald of Allen county, and George A. Fate of Huntington county, be, and they are hereby appointed commissioners, for the purpose of fixing the permanent seat of justice of the said county of Noble, agreeably to the provisions of an "an act to establish the seats of justice in the new counties," approved January 14, 1824. The commissioners above named, or a majority of them, shall convene at the house of Adam Engle, in said county, on the first Monday of May next, or so soon thereafter as a majority of them shall agree upon.

Sheriff of Lagrange county shall notify commissioners.

SEC. 3. It shall be the duty of the sheriff of Lagrange county, to notify the commissioners above named, either in person or by writing, of their appointment, and place appointed for them to convene; and the board doing county business shall allow said sheriff a reasonable compensation for his services, out of any money in the treasury of said county of Noble.

Courts when to be held.

SEC. 4. Circuit and other courts of said county shall be held at the house of Adam Engle or at any other place in said county, to which said courts may adjourn, until suitable accommodations can be furnished at the

seat of justice thereof, after which the courts shall be holden at the county seat.

Library fund.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Noble, shall reserve ten per cent. out of all donations to said county, and shall pay the same over to such persons, as shall be authorized to receive the same, for the use of a county library for said county.

Special sessions of county board

SEC. 6. The board doing county business of said county, when elected and qualified, may hold special sessions not exceeding three the first year after the organization of said county, and shall appoint a lister, and make all other necessary appointments, and do and perform all other business which might have been necessary to be performed at any regular session, and take all necessary steps to collect the state and county revenue.

SEC. 7. The county of Noble shall be attached to the eighth judicial circuit of the State, for judicial purposes.

Attached to the 8th judicial circuit.

This act to be in force from and after its passage.

CHAPTER XXI.

AN ACT to organize Kosciusko county.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of June, next, the county of Kosciusko shall enjoy all the rights and jurisdiction, which to separate and independent counties do and may properly belong.

Rights and jurisdiction.

SEC. 2. That James Cook, Ebenezer Brown, and Israel De Camp of Elkhart County, Isaac Eaton of St. Joseph county, and Marinus Willet of Rush county, be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice of said county of Kosciusko, agreeably to the provisions of "an act to establish the seats of justice in the new counties," approved January 14th, 1824, *Provided, nevertheless*, that if, in the discharge of their duties, said commissioners should find the place most suitable for the location of said county seat, encumbered by an Indian reservation, or otherwise, in such manner as to prevent them from obtaining, as the law requires, a sufficient quantity of

Commissioners to locate seat of justice.

Provide.

land, for the site of a town, then in that case it shall be their duty to suspend the transfer of lands for the purpose aforesaid until such time as the Indian title thereto may or shall be extinguished, or the incumbrance removed: And *Provided*, That in this event said commissioners may appoint two or more of their number to receive from any citizen or citizens, Indian or Indians, or from the United States, transfers of land for the use of said county seat as the law provides, so soon as a good title thereto can be made: And *Provided further*, that if said two or more commissioners cannot obtain by donation, or purchase at a reasonable price and in a reasonable time, not to exceed one year from the passage of this act, lands sufficient in quantity, at the most eligible place then they shall be authorized to receive the same at the next most eligible place which may have been selected by the whole board of said commissioners or a quorum of them, where such land can be procured as the law provides.

SEC. 3. The commissioners above named or a majority of them, shall convene at the house of Aaron M. Perine in said county, on the second Monday in July next or so soon thereafter as a majority of them shall agree so to do.

SEC. 4. It shall be the duty of the Sheriff of Elkhart county, to notify the commissioners above named, either in person or by writing, of their appointment, and the place appointed for them to convene, and the board doing county business shall allow said Sheriff a reasonable compensation for his services out of any moneys in the treasury of the said county of Kosciusko.

SEC. 5. Circuit and other courts of said county shall be held at the house of Mr. Lee at Leesburgh in said county, or at any other place in said county, where said courts may adjourn to, until suitable accommodations can be furnished at the seat of justice thereof, after which the courts shall be held at the county seat.

SEC. 6. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Kosciusko shall reserve ten per cent. out of all donations to said county and shall pay the same over to such person or persons as shall be authorized to receive the same for the use of a county library for said county.

SEC. 7. The Board doing county business of said county when elected and qualified, may hold special sessions not exceeding three, for the first year after the organization of said county, and shall appoint a lister, and make all other necessary appointments, and do and perform all other business, which might have been necessary to be

Proviso.

Proviso.

Times and place of meeting.

Sheriff of Elkhart to notify commissioners.

Courts where to be held.

Library fund.

Special session of county board and their duty.

performed at any regular session; and take all necessary steps to collect the state and county revenue.

SEC. 8. The county of Kosciusko shall be attached to the eighth Judicial Circuit of the State, for judicial purposes. Attached to the 8th judicial circuit.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER XXII.

AN ACT authorizing the sale of the residue of one of the reserved sections of land in the reserved township of land, in Monroe county.

(APPROVED JANUARY 26, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the reserved township of land in Monroe county, be and he is hereby authorised and required to sell the residue of the reserved section of land in said township, which lies adjoining to and immediately south of the one heretofore sold, for the purpose of erecting the seminary buildings in said county. Tract to be sold.

SEC. 2. The said commissioner shall lay out the residue of said section into such lots or parcels, as shall in his opinion, ensure the greatest possible sum from the sales thereof, and shall, at Bloomington, on the first Monday in May next, offer said lots for sale to the highest bidder, and on the following conditions, to wit: That one fourth part of the purchase money shall be paid in advance; and the remaining unpaid part, in five equal annual instalments, with interest from date, the purchaser giving bond with approved security to said commissioner for such payments: *Provided*, that said commissioner shall in no case, sell any of said section for a less price, than five dollars per acre: *Provided however*, That if said land will not sell for the price aforesaid, the commissioner shall keep his office open for the entry of the same, at the price aforesaid, at private sale. Times of sale.

SEC. 3. The said commissioner shall give public notice in the Post, a newspaper published at Bloomington, of the time of the sale of the residue of said section, for four weeks previous to the sale thereof. Proviso. Proviso. Notice.

SEC. 4. The commissioner aforesaid shall execute his bond to the several purchasers of the lands aforesaid, con-

Title bond.

ditioned that he or his successor in office, will upon full payment being made for any land purchased as aforesaid, make to the purchaser thereof, his, her or their legal assignee or assignees, a deed in fee simple therefor; which deed of conveyance, the aforesaid commissioner and his successors, are hereby fully authorized and empowered to make.

Commissioner to furnish &c. statement of sale.

SEC. 5. It shall be the duty of said commissioner on or before the first day of October next, to furnish the secretary of the board of trustees of the Indiana College, also the treasurer of state, with a full and correct statement of the amount arising from the sales of the section aforesaid, and the said secretary and treasurer shall enter the same on record, the first in the records of the Indiana College, and the other in the record book, by him kept in relation to the sales of the reserved townships of land in Gibson and Monroe counties, and the treasurer aforesaid shall moreover furnish the speaker of the House of Representatives with said commissioner's report, or a copy thereof during the second week of the next session of the General Assembly.

Treasurer of State to furnish Speaker of H. or R. with commissioner's report.

Proceeds of sale how disposed of.

SEC. 6. All moneys arising from the sales hereby authorized, shall from time to time, as they may be received or become due, be paid over to the treasurer of the Indiana College, and shall be paid out to the order of the board of trustees of said college, and be by them applied to the finishing the college chapel, at this time erecting, and for procuring a philosophical apparatus and library for said college and for other purposes.

Compensation to commissioner.

SEC. 7. The board of trustees of the Indiana College, shall allow the commissioner aforesaid, such compensation for his services as shall be deemed just and reasonable.

Repeal.

SEC. 8. All acts or parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XXIII.

AN ACT supplemental to an act entitled "an act regulating the practice in chancery," approved February 10, 1831.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That masters in chancery, in addition to the powers now vested in them, are hereby authorized to administer oaths and affirmations generally; to take acknowledgements to all instruments of writing when necessary; to take depositions; to issue subpoenas for witnesses, which shall be served and returned by the sheriff or any constable of the proper county, or any other person specially deputed for that purpose, by said master in chancery. And if witnesses fail to appear, he may compel their attendance by attachment, to be served and returned as aforesaid; and may punish for contempts, in the same way and manner that justices of the peace are, or may hereafter be authorized to do. And said masters in chancery shall be allowed for their services the same fees which are or may hereafter be allowed to other officers for similar services, or shall be assessed by the court and taxed in the bill of costs.

Additional powers granted to masters in chancery.

CHAPTER XXIV.

AN ACT to amend the act entitled "an act defining the duties of Recorders," approved January 19, 1831.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the recorder of each county to record in a book provided by him for that purpose, the ear marks of cattle, sheep and hogs, and such other marks and brands of horses, mules and asses as any person may wish to have recorded in said book; but he shall not record the same marks or brands to two different persons of the same township, and the marks and brands of each township shall be recorded separately in said book.

Marks and brands to be recorded.

SEC. 2. The said recorder shall be entitled to receive of the person employing him as aforesaid, the sum of twelve and a half cents for every such entry of marks or

brands; of which entry he shall, if required, deliver a certified copy to the owner.

CHAPTER XXV.

AN ACT to amend an act entitled "an act to regulate general elections," approved January, 30, 1831.

(APPROVED FEBRUARY 8, 1836.)

Additional compensation to officers of elections, in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter in all cases where there shall be more than three hundred votes taken in one day at the same poll at any election in this State held for the purpose of electing any civil officer or officers, the board doing county or township business in the county where such election is held, shall make to the inspector, judges and clerks of such election, such additional compensation for their services, as they may think reasonable and just, to be paid out of the county or township treasury.

SEC. 2. And in all cases where such inspector, judge or judges, clerk or clerks, shall not be bound by law to work roads, said board doing county business aforesaid, shall allow them one dollar per day for such services, and such additional compensation as is provided in the first section of this act.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXVI.

AN ACT to amend an act entitled, "an act for the relief of the poor," approved February 10, 1831.

(APPROVED FEBRUARY 4, 1836.)

Duty of overseers in Clark county, in relation to transient poor.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the overseers of the poor in the county of Clark to remove the transient poor, who now are or may hereafter become a county charge in said county, to the county Assylum: *Provided*, That such transient poor, shall only be removed to said assylum for temporary relief; and *Provided*, moreover, That nothing contained in this act shall affect the force of the 13th section of the "act for the relief of

the poor," approved February 10, 1831, in the county of Clark.

This act to take effect and be in force from and after its passage.

CHAPTER XXVII.

AN ACT to amend an act entitled "an act for the relief of the poor," approved February 10, 1831.

(APPROVED FEBRUARY 8, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That the overseers of the poor in each township in the State, shall be entitled to receive each, one dollar per day for each and every day, they shall be necessarily employed in discharge of their several duties, to be allowed by the boards doing county business, on being satisfied of such service having been performed.

Compensation to overseers.

CHAPTER XXVIII.

AN ACT concerning the reserved township of Seminary lands in Monroe county.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner of the reserved township of seminary lands in Monre county be, and he is hereby authorized and required to divide the residue of the unsold lands in the township aforesaid into forty acre tracts, in such manner as to him may seem best for the intersts of the college fund, and suffer the same to be entered in all other particulars in the same manner and under the provisions of the same act, by which he is now governed.

Lands to be divided into forty acre lots.

SEC. 2. That nothing in this act shall be so construed as to prevent the commissioner aforesaid, from selling the lands aforesaid in eighty acre lots, if application be made for the same.

May be sold in lots of eighty acres.

SEC. 3. This act to be in force from and after its publication.

CHAPTER XXIX.

AN ACT supplemental to an act entitled "an act to regulate the practice in suits at law," approved January 29, 1831.

(APPROVED FEBRUARY 6, 1836.)

Writs, &c.
may be issued
on the Sabbath
in certain cases

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That original writs and other process, may be issued on the first day of the week, commonly called Sunday, by the several Clerks of the Circuit Court of this State, whenever an affidavit shall be filed by the person suing out the same setting forth that he is apprehensive of loosing his demand unless such writ be issued on said day.

Clerks may order bail to be required.

SEC. 2. The Clerks of the several Circuit Courts of this State, are hereby authorized to order bail to be required in all those cases; and under those restrictions, that the judges of the Circuit Court are authorized to order the same.

In suits on notes, &c. payable at a particular place, demand at the place need not be averred.

SEC. 3. In all suits based on any note, bill of exchange or other obligation payable at a particular place, it shall not be necessary for the plaintiff to aver in his declaration, or prove on the trial a demand of payment at such place. But it shall be lawful for the defendant in any such suit to aver and show his readiness to pay such demand at the place named where the same became due and this shall be deemed a valid defence in bar of such suit (permitting the plaintiff however to avoid such plea, by avering in his replication, and proving at the trial a subsequent demand at the place of payment, and neglect on the part of the defendant to pay such demand.)

Repeal.

SEC. 4. That so much of the forty second section of an act entitled, "an act regulating the practice in suits at law, approved January 29, 1831, as authorizes the empannelling of juries *de medietate lingue*, be and the same is hereby repealed.

In appeals new causes of action &c. may be filed.

SEC. 5. That in all actions appealed from the judgment of a justice of the peace to a Circuit Court, said court may permit the plaintiff to file or add an additional cause or causes of action, without changing the form of action, and said court may also permit the defendant in any such action to file one or more statements of his defence, where none has been filed, or to file one or more additional statements of defence where one or more statements of defence have been filed, which permission to such plaintiff or defendant, as the case may be, shall be granted, subject to the same terms, rules and res-

trictions, as are provided in the fifth section of an act approved February 4, 1833, entitled, "an act to amend an act, entitled "an act regulating the practice in suits at law," approved January 29, 1831.

CHAPTER XXX.

AN ACT to amend an act entitled "an act relative to crime and punishment," approved February 10, 1831.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That where any person shall have judgment of death rendered against him or her, pursuant to the laws of this state, by a tribunal of competent jurisdiction, and in which the circumstances are sufficient to warrant the interposition of executive clemency, but not sufficient to render a complete pardon, expedient or proper in the opinion of the Governor, he is hereby authorized and empowered to commute the said punishment of death, into imprisonment at hard labour or solitary confinement in the state's prison for life, or any term of years not less than ten.

Governor may commute punishment of death in certain cases into imprisonment.

SEC. 2. That in all cases where any persons shall be deemed guilty of a riot and shall be convicted thereof, it shall and may be lawful, and it is hereby left discretionary with the court or jury trying the case, to assess the fine, either with or without imprisonment, as circumstances may require.

In cases of riot the court or jury may or may not imprison at discretion.

SEC. 3. That so much of the thirteenth and seventeenth sections of the act to which this is an amendment, as contravenes or is contradictory to the provisions of this act, be and the same is hereby repealed.

Repeal.

CHAPTER XXXI.

AN ACT to provide for cancelling and entering satisfaction of mortgages.

(APPROVED FEBRUARY 5, 1836.)

Satisfaction to
to be entered on
presentation of
certificate of
payment &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any mortgage that has been registered or recorded, or that may hereafter be registered or recorded, may be discharged by the officer in whose custody the record thereof shall be, whenever there shall be presented to him, a certificate of payment or satisfaction, signed by the mortgager, his personal representative, attorney in fact or assigns, acknowledged or proved and certified by some officer authorized, by the laws of this state, to take the acknowledgments of deeds, which certificate and acknowledgment may be endorsed on the back of such mortgage or on a separate piece of paper to be attached thereto.

Certificate &c.
to be recorded.

SEC. 2. That every such certificate and the proof or acknowledgment thereof, shall be recorded on the records of the officer, in whose possession the record of the original mortgage may be, and a reference shall be made to the book and page containing the record of such mortgage, in the minute or record of such discharge by the officer, upon the record thereof, which shall operate as a full and complete discharge and satisfaction of such mortgage.

Acknowledgment of satisfaction not required in case of superintendent of Loan Office and school commissioner.

SEC. 3. Nothing in this act shall be so construed as to require any acknowledgment of a satisfaction of a mortgage on the part of the superintendent of the loan office, or of any school commissioner, taken by any such officer for moneys by him loaned as such officer, but such satisfaction shall be recorded as aforesaid without such acknowledgment.

CHAPTER XXXII.

AN ACT to amend the act entitled "an act regulating the taking up of animals going astray, and water craft and other articles of value going adrift," approved, February 7, 1835.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter when any person authorized to take up and post any swine, cattle sheep or horse, or any other species of animal, according to the provisions of the statutes of this state now in force, and the owner of such astray comes not, within twelve months thereafter, and establishes his right thereto, then the right of property to such astray shall be vested in the taker up. *Provided*: He shall enter into a bond with security, to be approved by the clerk of the circuit court in which such animal is posted, to pay to the owner thereof, the full appraised value, upon his appearing at any period thereafter, first deducting the expenses which necessarily accrue in posting and keeping. And it shall be the duty of the clerk to file the bond aforesaid in his office, for which he shall be entitled to twelve and one half cents, to be taxed with the cost of posting: *Provided*, That astray animals, or other property adrift, the appraised value of which does not exceed twenty dollars, shall vest in the taker up, at the same time and subject to the same provisions as limited and provided by the act to which this is amendatory, for astray animals or property adrift, the appraised value of which does not exceed five dollars.

Rights of property when to vest in taker up.

Proviso.

Clerks fee for filing bond.

Proviso.

SEC. 2. When any person takes up and posts any water craft or other article adrift, the appraised value of which exceeds not fifty dollars, after deducting the expense of posting, the right thereto shall vest in the taker up: *Provided* the owner of such article comes not, within one year, and establishes his right thereto, and *Provided* the taker up enters into bond in the manner required in the first section of this act, and for the purposes therein named; or at the discretion of the taker up, deliver such property at the expiration of one year from the posting thereof, to the sheriff of the county, to be by him sold, as prescribed in the act to which this is an amendment, for the purposes therein named.

Right of property shall vest in taker up after a certain period.

Proviso.

SEC. 3. Any person who is legally authorized to post animals going astray, or water craft or other articles of value going adrift, shall strictly comply with the provisions of this act under a penalty of fourfold the value of

Penalty for non-compliance with this act in posting &c.

the property posted, to be recovered by an action *quæ tam*, the penalty to be equally divided, one half to the person suing, the other half to the county treasurer.

Duty of Justices of the peace to make out notice, &c.

SEC. 4. That it shall be the duty of the justice of the peace, before whom any astray animal or animals may be appraised, as required by the act to which this is an amendment, the appraisement of which amounts to ten dollars and more, to make out a notice under his hand and seal containing a particular description of such astray or astrays, as set forth in the appraisement and description with him filed, together with a statement of the time and place of the taking up of such animal or animals, the name of the person by whom the same was taken up, and the amount of the appraisement thereof, and to cause the said notice to be forthwith transmitted to the printer of the nearest newspaper, and to be published three weeks successively.

CHAPTER XXXIII.

AN ACT concerning Guardians.

(APPROVED FEBRUARY 4, 1836.)

Property of a ward may be sold at private sale.

Be it enacted by the General Assembly of the State of Indiana, That it shall hereafter be lawful for any guardian to sell the real estate of his ward or wards at private sale by permission of the Probate court in the county in which such real estate may be situated, in like manner, and under the same restrictions as administrators and executors are authorized to sell the real estate of their decedents, by the provisions of the second section of an act, entitled "an act to amend an act to organize Probate courts and defining the powers and duties of executors, administrators, and guardians," approved February 7, 1835.

CHAPTER XXXIV.

AN ACT authorizing the appointment of testamentary guardians.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be lawful for any testator to appoint, by his or her last will or testament, a guardian for any child or children of such testator, over which, at the time of the death of such testator, he or she may have the legal control and guardianship, as the parent of such child or children, for and during, and until the full end and time of the minority of such child.

Testators may by will appoint guardians for their children.

SEC. 2. Any such testamentary guardian shall be liable to be removed as such, and another appointed in his or her stead, for good cause shown, by the proper Probate court.

Such guardian may be removed by Probate court.

SEC. 3. Any and all wills or testaments heretofore made appointing one or more testamentary guardians, are hereby made valid and legalized, so far as such appointment is concerned, subject to the foregoing provisions.

Such appointments, heretofore made, legalized.

CHAPTER XXXV.

AN ACT to authorize the appointment of a special county agent.

(APPROVED FEBRUARY, 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any county agent within this State may become the purchaser of any real estate, of the county for which he is agent, the board doing county [business] in such county, shall appoint a special agent to make the requisite conveyance.

Special agents when and for what purpose appointed.

SEC. 2. The said special agent shall be governed in all respects by the law regulating the duties of county agents, except that he shall not be required to give bond.

This act to be in force from and after its passage.

CHAPTER XXXVI.

AN ACT to amend an act entitled "an act directing the mode of suing out writs of habeas corpus," approved January 12, 1828.

(APPROVED FEBRUARY 8, 1836.)

Pleading.

SEC. 1. [Be it enacted by the General Assembly of the State of Indiana, That] whenever any writ of *habeas corpus* shall be returned, it shall be lawful for the person suing out the same, to plead as many several matters, either traversing or avoiding the return, as he may think proper, or he may at his election, except to the sufficiency thereof; and replications and rejoinders shall be allowed as in other cases, until complete issues are made up.

The writ may issue on the Sabbath.

SEC. 2. And it shall and may be lawful, and it is hereby made the duty of any judge, on application made therefor, to issue a writ of *habeas corpus* on Sunday as well as on any other day of the week, under the same penalties and liabilities as if the same were issued on any other day of the week.

Duty of the judge where the offence is defectively set forth.

SEC. 3. Whenever the return on any writ of *habeas corpus*, shall set forth that the prisoner is detained by virtue of any writ, if the writ shall on inspection appear to contain any matter showing that the prisoner is detained to answer for an offence committed by him, and the said offence shall be defectively set forth in the said writ, the judge or court before whom the said writ is returnable, shall not discharge the prisoner, but shall hold him in custody and examine witnesses touching his guilt or innocence, and shall on a full examination, either remand the prisoner in [into] custody, hold to bail or discharge as the case may require.

Persons in custody for want of appearance bail.

SEC. 4. Whenever any person may be imprisoned or detained in custody on any criminal charge, for want of appearance bail, such person shall be entitled to a writ of *habeas corpus*, upon averring that fact in his petition, in order to enable him to give bail.

CHAPTER XXXVII.

AN ACT to amend an act entitled "an act regulating divorces," approved January 17, 1831.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the following causes shall be recognized by the circuit courts of this State, as sufficient causes for a divorce in addition to the causes set forth in the act to which this is an amendment, viz: In favor of the wife when the husband for the term of two years has been a habitual drunkard, and failed for an unreasonable length of time to make provision for his family; and in all cases where the parties have been guilty of murder, manslaughter, burglary, robbery, grand or petit larceny, forgery, counterfeiting, arson, bribery, perjury or any other crime, the punishment of which is, or would be, on conviction, imprisonment at hard labor in the penitentiary.

Additional causes of divorce.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXXVIII.

AN ACT to facilitate the apprehension of fugitives from justice.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That if any person shall commit any crime in any county within this state, and shall flee or remove into another county, it shall be lawful for any judge of the Supreme Court or Circuit Court, or justice of the peace within the county to which such person shall have fled or removed, on the oath or affirmation of any person, charging such fugitive with such crime (either directly or on the belief of the affiant,) to issue his warrant and cause such fugitive to be arrested and brought before him; and after hearing the proofs and allegations against such fugitive, if, in the opinion of such judge or justice of the peace, the proof or presumption is strong as to the guilt of the person charged, it shall be the duty of the judge or justice of the peace to make out an order, under his hand and seal, commanding some constable of his county to convey such

Proceedings where a person who has committed a crime in one county has fled, &c. to another.

fugitive to the county in which he committed the offence charged against him, and to deliver him to some judge of the Circuit Court or justice of the peace in such county, together with the order of the judge or justice before whom the said fugitive was examined. And it shall be the duty of such judge or justice to whom such fugitive shall be delivered, to cause him to be committed to the custody of some constable or sheriff of the county for safe keeping; and to forthwith summon the person or persons against whose person or property the said offence shall have been committed, or some witness or witnesses thereto, and such judge or justice shall, on the examination, be governed in all respects as though said complaint had been made and affidavit had been taken before him in the first instance. And the constable who shall convey such fugitive from the county where he was first arrested, to the county in which the offence was committed, shall receive the same fees for such service as are by law allowed to sheriffs for like services, and subject to [the] same rules and conditions.

CHAPTER XXXIX.

AN ACT dispensing with unnecessary oaths now required of executors, administrators and appraisers.

(APPROVED FEBRUARY, 4, 1836.)

Repeal.

Be it enacted by the General Assembly of the State of Indiana, That so much of the fifteenth section of an act entitled "an act to organise probate courts and defining the powers and duties of executors administrators and guardians," approved February 10, 1831, as requires appraisers, executors, or administrators to make an oath or affirmation for making an appraisal, or a true and complete inventory, previous to the making of such appraisal or inventory, be, and the same is hereby repealed.

CHAPTER XL.

AN ACT to amend the several laws relative to Domestic and Foreign Attachment.

(APPROVED, FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any garnishee in any proceeding in domestic or foreign attachment, fails to plead, answer or demur to the matters set forth against him in the affidavit, or any additional bill or statement or interrogatories or otherwise, to appear and make discovery as required by law, such matters may be taken for confessed, or judgment by default or *nil dicit*, as the case may require; and an inquiry may be awarded when necessary, and all further proceedings necessary to final judgment, may be had therein; or the court may compel such garnishee to answer as aforesaid; and in either case, such pleading or process shall be had thereon, according to the practice in law or equity, as the case may require, before the court or justice, when [where] the same may be pending: *Provided,* That no other or more special pleading shall be necessary in any proceeding in attachment, before a justice of the peace, than is now required.

Where garnishee fails to plead, &c. matters shall be taken as confessed, &c.

SEC. 2. That in all proceedings in domestic or foreign attachment, the court or justice may make, enforce and cause any interlocutory or final orders and judgments therein to be executed as effectually as in other proceeding in law or equity as the case may require.

The Court may make and enforce interlocutory or final orders, &c.

SEC. 3. That whenever the defendant shall give special bail to answer the demand of the plaintiff, in any writ of attachment, the same shall not be thereby discharged, nor shall the property, rights, credits, money or effects of the defendant, in any way taken, seized or attached, whether in the possession of the officer or of a garnishee, be released, if any other creditor shall have regularly filed his claim and bond before the court or justice, unless the defendant shall also give special bail to answer any other demand, so claimed against him as aforesaid.

Writ shall not be discharged nor property released on entering special bail, if there be filed, &c. the claim of another creditor, unless, &c.

SEC. 4. That trustees may have the benefit of the writ in domestic and foreign attachment; and the probate courts shall have concurrent jurisdiction in attachments, where executors, administrators or guardians are plaintiffs.

Trustees may have benefit of the writ. Jurisdiction of Probate Court in.

CHAPTER XL.

AN ACT to authorize the service of subpoenas by copy.

(APPROVED FEBRUARY 4, 1836.)

Service by copy.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall hereafter be lawful for any sheriff or other officer in this state to serve any subpoena, which may be directed to him from any circuit or probate court in this State, by leaving a copy of the same at the usual place of residence of the witness or witnesses specified in such subpoenas, in all cases, unless such witness or witnesses have left the county, in which they reside, and the time of their return may be uncertain.

Tender of fees.

SEC. 2. In all cases where a witness is subpoenaed by copy as above specified, it shall be a sufficient tender of his fees, for the party subpoenaing him, or the officer leaving such copy, to leave with said copy the amount of money so to be tendered; and in all prosecutions for contempt, by attachment for failing to obey, such subpoena the witness shall be allowed to purge himself from such alleged contempt, by stating under oath, that such copy or money never came to his knowledge.

CHAPTER XLII.

AN ACT to appropriate to the several counties in this State a part of the three per cent. fund.

(APPROVED FEBRUARY 8, 1836.)

Two thousand dollars appropriated to each county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of two thousand dollars is hereby appropriated out of the three per cent. fund to each of the organized counties in this State.

Commissioners to be appointed by the county boards, respectively.

SEC. 2. The board doing county business for each county, shall at some regular session, appoint a commissioner in such county to superintend the application of said appropriation to his county, to the opening and improvement of such state roads, or parts thereof, or to the construction or repair of bridges in said county, as the said board may order and direct.

Bond and oath of commissioners.

SEC. 3. Such commissioner shall enter into bond and security to the satisfaction of said board, payable to the Board of county commissioners, or the board doing coun-

ty business, in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties as such commissioner of the three per cent. fund for said county, and shall also take an oath of office.

SEC. 4. On entering into such bond, and taking the oath as aforesaid, the clerk of said board shall under their direction deliver to said commissioner a certificate thereof, and of said appointment, which shall authorize the treasurer of state, to pay over from time to time to said commissioner, or his order, his proportion of such fund on hand.

Clerk of the board shall give to the commissioner a certificate of appointment, &c.

SEC. 5. Should any commissioner refuse to qualify, or should the said office become vacant by any means whatever, such board shall appoint a suitable person to fill said vacancy; and the person thus appointed shall be governed by the provisions of this act.

Board shall fill vacancies in office of commissioner.

SEC. 6. Each commissioner shall keep an account of his expenditures and improvements, take vouchers and report the same to said board at least once in every year and settle with said board, and on failure so to do, or to discharge the duties required of him by law, such board is required to put his bond in suit, and on the recovery of any debt or damages, to appropriate the same under the care of another commissioner to be by them appointed, to the objects aforesaid, who shall be governed in all respects by the provisions of this act.

Commissioner shall report to and settle with county board.

SEC. 7. Each commissioner shall retain out of said funds coming to his hands one dollar for each day he shall be actually employed and his necessary expenses.

Compensation to commissioners.

SEC. 8. That all appropriations of the three per cent. fund heretofore made, and which are authorized by this act, to the counties of Perry, Spencer, Crawford, Clay, Sullivan, Clark, Floyd, Jackson, Scott, Fayette, Union, Parke, Hendricks, Wayne, and Gibson, may be funded at interest, payable in advance on sufficient security, by mortgage of real estate under the direction of the board doing business of said county, until the same may be applied to works of internal improvement within or connected with the interest of said county, under the power and at the discretion of said board.

Certain counties may fund their proportions of the appropriation, &c.

SEC. 9. *Be it further enacted,* That one thousand dollars of so much of the three per cent. fund as may be allotted to the county of Vermillion, be and the same is hereby appropriated for the purpose of erecting a bridge at some suitable point over the Big Vermillion river, which said sum of one thousand dollars is to be taken out of the first money, to which the county of Vermillion may be entitled, agreeably to the provisions of this act.

Application of a part in Vermillion county.

Commissioners
for application
thereof.

SEC. 10. *And be it further enacted*, That James Thompson, Rezin Shelby and Jacob Isle of the county of Vermillion, be, and they are hereby appointed commissioners to superintend the construction of the bridge contemplated by the foregoing section of this act: *Provided*, The said commissioners shall, before entering upon the duties confided to their charge by this act, file their bonds with the clerk of the circuit court for Vermillion county, in the penal sum of two thousand dollars, with good and sufficient securities, the condition of which bond, shall be, that said commissioner will faithfully receive and disburse the money appropriated by the preceding section of this bill; and said commissioners shall receive the money hereby appropriated, or any part of it, from the commissioner to be appointed under the second section of this act, which shall be paid over by him to them, in preference of any other appropriation.

Application of
a part in Rush
county.

SEC. 11. That four hundred dollars of the amount appropriated to Rush county by the provisions of this act, shall be applied to the improvement of the Indianapolis and Rushville state road, between Rushville and the west line of Rush county under the direction of John Wood, the present commissioner on said road.

County boards
may appoint
one or more
commissioners
to superintend,
&c.

SEC. 12. Nothing in this act shall be construed to prevent the boards doing county business from appointing one or more persons in their several counties to superintend the expenditure of the portion of the fund accruing to their respective counties, under such restrictions as the said boards may direct.

CHAPTER XLIII.

AN ACT to amend an act entitled "an act for opening and repairing public roads and highways," approved, February 10, 1831.

(APPROVED FEBRUARY 4, 1836.)

Penalty to supervisors for
failing to keep
roads in repair.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the supervisor of any road, shall wilfully fail or neglect to keep the roads in his district in good repair, or faithfully appropriate moneys collected or received for the use of his roads, or in any manner to comply with the duties required of him by the act to which this is an amendment, he shall for every such failure or neglect, be fined in any sum not exceeding ten dollars, to be recovered

by presentment or indictment in the circuit court of the proper county.

SEC. 2. That it shall be the duty of the circuit courts to give specially in charge to grand juries, the foregoing section of this act.

Circuit courts
shall give special
charge to
grand jury.

SEC. 3. Each person made liable to work on roads by the act to which this is an amendment, who shall fail to attend in person, or by a satisfactory substitute, at the time and place appointed, within said district, with the designated tool or instrument, having had three days notice thereof; or having attended, shall spend his time in idleness, or disobey the supervisor, shall forfeit and pay the sum of seventy-five cents, for every such delinquency, to be recovered by action of debt in the name of the supervisor, before any justice of the peace of the proper county. And it shall be the duty of the supervisor in all cases, to prosecute any and every delinquency pointed out in this section to final judgment and execution, and report all such cases to the board of county commissioners of his or their county.

Forfeiture for
failing to work
on roads.

SEC. 4. The boards doing county business, shall make the supervisor a reasonable allowance for erecting the guide posts required by the fifty fourth section of the act to which this is an amendment, when there shall not be a sufficiency received by him from delinquents.

Compensation
for erecting
guide posts.

SEC. 5. That the provisions of the fifty sixth section of the act to which this is an amendment, shall be, and are hereby extended to all cartways, laid out by the board doing county business in the several counties.

Parts of former
act extended to
cart ways.

SEC. 6. That the forty-first and sixty-first sections of the act to which this is an amendment, be and the same are hereby repealed.

Repeal.

This act to take effect and be in force from and after its passage.

CHAPTER XLIV.

AN ACT to amend an act entitled "an act to amend an act to regulate the mode of doing county business in this State," approved February 7, 1835.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "An act to amend an act entitled "an act to regulate the mode of doing county business in this state," approved February 7, 1835, as relates to the county of Bartholomew.

Repeal of an
act so far as it
affects the
county of Bartholomew.

omew, be and the same, is hereby repealed: that all acts and parts of acts coming within the perview of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

CHAPTER XLV.

AN ACT to amend an act entitled, "an act to prevent the sale of ardent spirits to the Indians" approved February 3, 1832.

(APPROVED FEBRUARY 6, 1836.)

Certain persons
not considered
Indians, &c.

Be it enacted by the General Assembly of the State of Indiana, That Jacob otherwise called Jacob Moscow, and his son James, otherwise called Jim, who reside in the county of Delaware, shall not be considered Indians, within the provisions of the aforesaid act, to which this is an amendment.

This act to be in force from and after its passage.

CHAPTER XLVI.

AN ACT to amend an act entitled, "an act to regulate the mode of doing county business in the several counties in this State.

(APPROVED FEBRUARY 6, 1836.)

Justices shall
constitute the
county board
in Crawford
county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified justices of the peace, in the county of Crawford, shall constitute a board of justices and be known by the name and style of "The Board of Justices of Crawford county," and as such shall be entitled to all the powers, rights and privileges and subject to all and singular, the duties to which by the act, to which this act is amendatory, the existing board of commissioners in said county is entitled and subject to.

SEC. 2. The Justices of the Peace aforesaid, shall at their first meeting and annually thereafter, elect one of their number president of said board, whose duty it shall be to propound questions for their action, preside over their deliberations, keep order, pronounce their decisions, and sign their proceedings: *Provided* that in the absence of the president so elected, the board shall elect a president *pro tempore* who shall exercise all the

Proviso.

powers, and perform all the duties herein required of the president.

SEC. 3. All suits, pleas, complaints, prosecutions and proceedings, which may be pending in any court to be tried in which the present board of commissioners of the County of Crawford is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner, as though this act had not passed, and all contracts and liabilities in favor of or against the existing board of commissioners, shall remain valid in law and equity.

Suits &c. pending in which the board of commissioners is a party shall be prosecuted to final judgment.

SEC. 4. It shall require ten members of the said board to form a quorum to do business, and of which ten so present, there must not be more than two from any one township; and such members as do attend shall have power by this act, to issue writs of attachment, and compel the attendance of absent members, and to adjourn from day to day for that purpose: *Provided*, that no person shall take his seat on said board except his election be ordered, and he may have been elected in pursuance to the laws of this State; and the board shall decide who shall be considered as members of said board.

Quorum.

Proviso.

SEC. 5. It shall be the duty of the justices of the peace in the said county of Crawford, to be punctual in their attendance at the May and November sessions, and for every failure thereof, without a reasonable excuse, such justice shall be fined upon presentment or indictment, in any sum not exceeding ten dollars, for the use of the county seminary in said county.

All the justices shall attend at May and Nov. sessions.

SEC. 6. That the said justices of the peace in the county aforesaid shall, after the taking effect of this act, be exempt from militia duty, serving on juries, working on roads, and public highways, and from the payment of a poll tax, and shall receive no other compensation for any of the duties enjoined upon them by this act.

Shall be exempt from certain duties, &c.

SEC. 7. The first, second, third, eighth, eleventh and thirteenth sections of the act to which this is an amendment, are, as to the county of Crawford, repealed.

Repeal.

SEC. 8. This act to take effect and be in force from and after its publication.

CHAPTER XLVII.

AN ACT to amend an act entitled "an act incorporating Congressional townships and providing for public schools therein," approved February 2, 1833.

(APPROVED FEBRUARY 6, 1836.)

If the inhabitants of any district fail to elect trustees, &c. any householder may employ a teacher, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That if the inhabitants of any school district, fail to elect district trustees, or if the district trustees neglect to call a meeting for the purpose or purposes expressed in the one hundred and forty-third section of the act to which this is an amendment, or if such meeting shall have been called without resulting in an agreement to support a school, it shall be lawful for any householder to employ a teacher, either male or female, to teach his children and the children of others in the district, who may wish to send, upon such contract as he or they can agree upon.

Teachers to be examined.

SEC. 2. The teacher to be employed shall have been examined, by at least two of the examiners, in pursuance of the fourth, fifth and sixth sections of "an act to amend an act entitled "an act incorporating Congressional townships, and providing for public schools therein," approved February 2, 1833, which amendatory act was approved February 1, 1834.

Qualifications.

SEC. 3. No teacher shall be employed under this act, unless the certificate of two of said examiners, in addition to the branches of learning, that he or she is qualified to teach, also states, that such person is qualified to teach a common school.

How governed in keeping list of days sent to school.

SEC. 4. The teacher shall be governed by the one hundred and seventy-fourth section of the act to which this is an amendment, in keeping his list of days sent to school by each employer. And the township treasurer shall, on the presentment of such list and the presentment of the certificates of the examiner, touching qualification, pay to each employer, contemplated by this act, his proportion of the funds of the township.

Employer to be paid his proportion of funds.

Private school to cease when a district school shall be commenced.

SEC. 5. Should the inhabitants of such district, actually commence a school, the private school contemplated by this act, shall cease at the end of the current quarter; or if continued longer, the employers shall not be entitled to a dividend therefor, out of the township treasury.

School commissioner required to hold his office, at least,

SEC. 6. It shall hereafter be the duty of the school commissioner of each county, to hold his office, at least one day in each month, at the county seat; which shall

be so distributed as to include one day of each Circuit Court of the county.

one day in each month at the county seat. Notice of such days.

SEC. 7. It shall be the duty of said school commissioner to give notice of the several days in the year, in which his office will be held at the county seat, in some public newspaper, printed in the county, and if no paper be printed in the county, then by three written advertisements put up in each township.

SEC. 8. It shall be lawful for an election to be held on any day in the year, Sundays excepted, to take a vote of the inhabitants of any Congressional township, whether they will sell their school land, any thing in the forty-third section of the act to which this [is] an amendment, to the contrary notwithstanding: *Provided*, That the place of holding said election, and the notice of the same shall be in strict conformity to the thirteenth section of the act to which this is an amendment.

Elections to determine as to the sale of school lands, when held, &c.

SEC. 9. It shall be the duty of the township treasurer, each year to give notice, by three written advertisements, posted up in the township, for at least three weeks, that he will make a dividend and distribution of the school funds on the first Monday of March. Nothing in this section shall be so construed as to prevent the filing with said treasurer, the evidence of the number of children taught in any district, at any time preceding said first Monday of March; nor shall any thing herein contained, prevent any person entitled to a portion of such dividend, made on the first Monday of March, from receiving the same at any other time.

Notice of the distribution of funds to be given.

SEC. 10. If any school lands sold under the 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64th sections of the act to which this is an amendment, shall revert to the township, for non payment, if the purchaser has made the first payment, in that case the commissioner shall re-sell said land, in conformity to the act to which this is an amendment; and when he shall have received, by virtue of such second sale, in addition to what was paid by the purchaser at the first sale, the full amount of principal, interest and costs, to which the township or its officers, were entitled to receive by virtue of the said first sale, it shall be the duty of such commissioner to hold the residue of the money, if any, arising from the second sale, for the use of and payable to the order of the first purchaser, or his legal representatives.

Lands reverted on which the first payment was made shall be re-sold and the residue of the proceeds over the amount due on the first sale with interest and costs, shall be held for the use of the first purchaser.

SEC. 11. It shall be the duty of each collector, in making returns to school commissioners, to designate and describe the particular portion of any tract of land, or town lot, if less than the whole of any tract or town lot by him returned.

Duty of collector in making return to commissioner.

Commissioner to report annually to county board.

SEC. 12. It shall be the duty of the several school commissioners, on the first day of the May term of each year, of the board doing county business, to make a detailed report to the board, of all the moneys that he has received and disbursed; for what objects received, and to whom paid over; which report shall be recorded in the records of the board.

Additional report to be made by township treasurers.

SEC. 13. In addition to the report required of school township treasurers, by the tenth section of the act, approved February 7, 1835, such treasurer shall make a report, in form following, to wit:

I, A B, township treasurer of Congressional township No. of range No. do hereby certify, that during the year I received from C. D., school commissioner of county, the sum of interest, moneys belonging to said township, and dollars and cents, of moneys due the said township, by virtue of "an act to provide a fund to encourage common schools," and an act in furtherance of said act, and that during the past year, I paid over to the person authorized to receive the same the sum of for the use of schools of the said township.

A. B. Treasurer.

Blank books to be purchased.

SEC. 14. It shall be the duty of the school commissioner to purchase [a] sufficient number of bound blank books, to furnish the proper officers of each township, out of the funds of such township; in which books a fair record of all proceedings shall be kept.

CHAPTER XLVIII.

AN ACT to change the line dividing the counties of Jefferson and Clark.

(APPROVED FEBRUARY 8, 1836.)

Line defined.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, the line dividing the counties of Jefferson and Clark shall be as follows: beginning on the Ohio river, where the line dividing sections eighteen and nineteen, township two, range ten, strikes the same; thence west on the sectional lines to the south east corner of section thirteen, township two, range eight, being the south east corner of Scott county.

Repeal.

SEC. 2. So much of the act relative to county boundaries, approved February 10, 1831, as comes within the

purview of this act, be, and the same is hereby repealed: *Provided, however*, That all pleas, complaints, and prosecutions, now pending, shall progress and be determined, and all taxes due shall be collected in the proper county as if this act had not been passed, but in all other respects the territorial boundary between said counties shall be as named in the first section of this act.

Pleas, &c. shall progress.

This act to take effect and be in force from and after its passage.

CHAPTER XLIX.

AN ACT regulating the jurisdiction of Justices of the Peace in the counties of Bartholomew and Delaware.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter no person who is a householder shall be bound to answer to any summons or other process, issued by any justice of the peace in the counties of Bartholomew and Delaware in any civil suit, in any township other than the one, in which said defendant actually resides, unless there shall be no justice in such township who can legally issue such summons or other process; then and in that case it shall be lawful to commence such suit in the next nearest township: *Provided, however*, That either party shall have a right to change the venue as heretofore.

Jurisdiction limited to the township in which defendant resides.

SEC. 2. Nothing in this act shall be so construed as to embrace any case of contracts entered into, previous to the passage of this act.

CHAPTER L.

AN ACT [to] repeal so much of an act entitled "an act to amend an act entitled an act to regulate county business in this State," approved January 19, 1831, as relates to the county of Allen.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by [the] General Assembly of the State of Indiana*, That the act approved 7th February, 1835, entitled "an act to amend an act, entitled an act to regulate the mode of doing county business in this

State," approved January 19, 1831, so far as the same relates to the county of Allen, be and the same is hereby repealed.

Election of township officers.

SEC. 2. All township officers shall hereafter be elected in the same manner, and at the same time, in the said county of Allen, that they were, previous to the passage of the act in the first section in this bill specified: *Provided*, That all township officers in said county, shall continue to hold their offices, until their successors are elected under the provisions of this act.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LII.

AN ACT to authorize the boards doing county business in the several counties in this State, to exempt certain persons from the payment of a poll and road tax.

(APPROVED, FEBRUARY 6, 1836.)

Discretionary power to county boards to exempt persons from poll tax.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards doing county business in the several counties in this State be, and they are hereby vested with the discretionary powers to exempt any person or persons from the payment of a poll tax, who is unable to pay the same, or on account of bodily disability, without regard to their age.

SEC. 2. *Be further enacted*, That the said boards may, at their discretion, exempt any person or persons from the payment of a road tax, or from working on public roads and highways, for the same causes recited in the first section of this act, exempting persons from the payment of a poll tax.

CHAPTER LIII.

AN ACT to repeal the act entitled "an act to amend the several acts regulating the jurisdiction and duties of Justices of the Peace in the several counties herein named," approved February 7, 1835; so far the provisions thereof extend to the county of Washington.

(APPROVED FEBRUARY 6, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That so much of the act entitled "an act to

amend the several acts regulating the jurisdiction and duties of justices of the peace in the several counties herein named," approved February 7, 1835, as relates to the county of Washington, be, and the same is hereby repealed.

CHAPTER LIII.

AN ACT relative to the commissioners of the canal fund.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the canal fund commissioners, now or hereafter, may be authorized by law to execute any bonds of the State, it shall be sufficient for the entire validity of said bonds, if the same are signed by a majority of the said commissioners. Bonds signed by a majority of the Commissioners, valid.

SEC. 2. That the Board of Internal Improvements, created by an act of the present General Assembly, entitled "an act to provide for a general system of internal improvements, shall on or before the first Monday in December, annually, settle and account with the fund commissioners for all moneys by them received, in addition to the reports and returns otherwise, of said board required by law, to be made, which said settlement, together with a full and minute account of the state of the funds; the receipt and manner of disposal of the same, and their proceedings, and any recommendation deemed advisable, relative to the funds, the said fund commissioners shall report to the General Assembly, during the first week of each session. Board of Internal Improvements to settle annually with commissioners. Commissioners to report settlement &c. to legislature.

CHAPTER LIV.

AN ACT to change the time of holding the commissioners court in the county of Delaware.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the May and November terms of the Board of county commissioners of Delaware county, be hereafter holden on the fourth Mondays in said months, instead of the first Mondays. Times of holding.

This act to be in force from and after its passage.

CHAPTER LV.

AN ACT attaching the counties of Whitley and Lake to organized counties for judicial purposes.

(APPROVED FEBRUARY 6, 1836.)

Attached. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the county of Lake shall be attached to the county of Porter for judicial purposes; and that the county of Whitley be attached to the county of Huntington, for judicial purposes.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LVI.

AN ACT to amend the act for opening and repairing public roads and highways, approved February 10, 1831.

(APPROVED FEBRUARY 6, 1836.)

Supervisors in the counties of Crawford, Perry, and Spencer exempt from serving on juries, &c. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*. That hereafter supervisors of roads and public highways in the counties of Crawford, Perry and Spencer, in consideration of their services as such, shall be exempt from serving on grand and petit juries, from performing militia duty in time of peace, and paying a poll tax for any purpose, except for state purposes, and in every other respect, not contrary to the provisions of this act, the said supervisors shall observe and be governed by the law to which this act is an amendment and shall be entitled to no other compensation for their services than is herein provided.

SEC. 2. This act shall be in force from and after its publication.

CHAPTER LVII.

AN ACT to change the mode of doing county business in the county of Washington, and for other purposes.

(APPROVED FEBRUARY 6, 1836.)

Commissioners to do county business. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first Monday in August next, the county business in the county of Washington, shall be done by three commissioners as pre-

scribed by the General Laws now in force or may hereafter be enacted, regulating the mode of doing county business in the several counties in this State.

SEC. 2. That the qualified voters in said county, shall elect at the next annual election, the said three commissioners, as directed by an act, entitled, "an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831. Election of commissioners

SEC. 3. *Be it further enacted*, That the board doing county business in said county, shall appoint as many supervisors of public roads and highways as they may deem necessary, and assign to each supervisor so appointed, the district of road they are required to open or repair, and cause to be forwarded by the sheriff to each and every supervisor, a certificate of his appointment as supervisor, particularly setting forth the beginning and end of his said road district, together with the number of his hands, or the boundary in which his hands are contained. County board to appoint superintendents, &c.

SEC. 4. The said supervisor shall within ten days after he receives his said appointment, furnish to the clerk of the said board, a list of the names of the hands in his road district, whose duty it shall be to place opposite to each person's name on said list, the amount of road tax, that they are individually liable to pay. Duty of supervisor.

SEC. 5. That the said board may at their discretion, on good cause shewn, cause swinging gates to be removed from cart roads in said county, giving the person or persons therein concerned, or interested, a reasonable time to remove the same. Gates on cart-ways to be removed, &c.

SEC. 6. All laws and parts of laws coming within the purview of this act, so far as relates to the county of Washington, be, and the same are hereby repealed. Repeal.

This act to be in force from and after its passage:

CHAPTER LVIII.

AN ACT to authorize the loaning of moneys belonging to congressional townships, which may be paid into the State Treasury.

(APPROVED FEBRUARY, 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby authorized to loan all moneys which have been or may be paid into the Treasury, belonging to congressional townships, under the provisions of the eighty- Treasurer shall loan.

eighth section of the act entitled "an act incorporating congressional townships, and providing for public schools therein," approved February 2, 1833.

Condition.

SEC. 2. That said fund shall be loaned on the same terms, conditions, and restrictions as the saline fund is authorized to be loaned, and the said treasurer shall be entitled to the same compensation for his services therein.

Nett amount of interest to be paid to school commissioner annually, &c.

SEC. 3. That said Treasurer shall keep separate and distinct accounts of said fund, of principal paid in, and of loans and interest; and shall, on or after [before] the first day of January in each year, pay over to the order of the school commissioner of the county in which is situate the congressional township to which any portion of said money belongs, the nett amount of interest which may have accrued, after deducting the expenses attendant upon loaning the same. And said commissioner shall pay the same over to the trustees of the proper township, as other moneys are directed to be paid over.

CHAPTER LIX.

AN ACT to change the time of holding Probate courts in Daviess county.

(APPROVED JANUARY, 27, 1836.)

Time of holding.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Probate courts in Daviess county shall commence on the third Mondays in February, May, August and November.

SEC. 2. This act to take effect from and after its publication.

CHAPTER LX.

AN ACT to provide for empanneling Grand and Petit Jurors in the county of Orange.

(APPROVED DECEMBER 17, 1835.)

County board omitting to select at the May session, &c. may select, &c. at any other session.

Be it enacted by the General Assembly of the State of Indiana, That whenever hereafter the board doing county business in the county of Orange, shall omit to make selection of grand and petit jurors at their May session in each year, or whenever after the making such selection, the names of the jurors thus selected shall be

lost or become unknown, owing to neglect of the clerk to record the same in the order book of the circuit court or otherwise, it shall be the duty of the board doing county business in said county, at any of their sessions, upon the suggestion of the clerk of the circuit court of said county, or upon information otherwise derived, to make selection in the manner now prescribed by law, of the usual and requisite number of grand and petit jurors for the term of said circuit court next following, for which jurors the clerk shall issue a venire, as now provided for, by an act to regulate the mode of summoning and empanneling grand and petit jurors, approved January 19, 1831.

This act to take effect and be in force from its passage.

CHAPTER LXI.

AN ACT to provide for the appointment of a keeper of the State House.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nathan B. Palmer, Treasurer of State be, and he is hereby appointed to take charge of the State House and prevent injury to the same; for which services he is hereby allowed an annual compensation of one hundred and fifty dollars out of the state treasury, payable quarterly.

Compensation.

SEC. 2. That the keeper of the State House hereby appointed, be, and he is hereby authorized and directed to have the carpets of the Senate chamber and Representative hall removed and properly put down in the supreme court and committee rooms of the capitol, and to procure such other necessary furniture for said rooms as will place them in a condition to be occupied before the meeting of the next General Assembly. That said treasurer cause to be procured a sufficient quantity of carpeting of a good quality and uniform pattern, to cover the floors of the Senate chamber and Representative hall, including the lobbies, and to have the same put down in a proper manner, before the meeting of the next General Assembly. Said treasurer shall also cause to be procured any additional tables or other furniture necessary for the convenience of the next Legislature, and to have the same properly arranged.

Duties.

Further duties. SEC. 3. Said keeper shall cause the State House square to be immediately enclosed, with a strong temporary fence, and shall have the grading of the grounds in said square, completed during the next summer, and do all other things necessary to the preservation of the State House.

Settees to be removed, &c. SEC. 4. In preparing the respective halls for the reception of the next Legislature, said Treasurer may have the settees, now in the lobbies of said halls, removed to the Supreme Court, Committee and Library rooms, and procure for the use of said halls, others more permanent and durable, having always in view, the quality of such furniture, and its adaptation to the style and purposes of said halls.

Expenses, how paid. SEC. 5. To meet the expenses incurred under the foregoing provisions, the treasurer is authorized to pay such sum or sums, out of the state treasury, as may be necessary therefor, keeping an accurate and detailed account thereof, which shall be by him reported to the next General Assembly.

This act to be in force from its passage.

CHAPTER LXII.

AN ACT regulating the mode of doing county business, in the counties of Daviess and Martin.

(APPROVED FEBRUARY 8, 1836.)

Oldest justices to elect a president annually in September. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the justices of the peace, holding the oldest commission in each township, in the respective counties of Daviess and Martin, to meet at their respective court houses on the first Monday of September, next, and there proceed by ballot to elect one out of their number as president, and annually afterwards elect a president in like manner.

Justices constituted county board. SEC. 2. Said justices of the peace shall be known by the name and style of "the board of commissioners of _____ county," and as such shall be entitled to all the rights, incidents, powers, and privileges, and subject to all and singular, the duties, incidents and requirements to which the boards doing county business in the several counties in this state are entitled and subject to, except as hereinafter provided.

Duty of the president. SEC. 3. It shall be the duty of the president to propound questions for their action, preside over their deliberations, keep order, pronounce their decisions, and sign their proceedings: *Provided*, that in the absence of the president so elected, the board shall elect a president *pro tempore*, to perform said duties herein required of the president.

Proceedings pending to be prosecuted to final judgment, &c. SEC. 4. All suits, pleas, complaints, prosecutions and proceedings, which may be pending in any court, to be tried, in which the present board of commissioners of either of the counties named in the first section of this act is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner as though this act had not passed; and all contracts and liabilities in favor of or against the existing board of commissioners shall remain valid in law and equity.

Quorum. SEC. 5. It shall require five members of said board, at their May and November sessions, and three members at other sessions, to form a quorum to do business; and such members as do attend, shall have power by this act to issue writs of attachment and compel the attendance of absent members, and to adjourn from day to day for that purpose.

Penalty for non-attendance at the May and November sessions. SEC. 6. It shall be the duty of all the oldest justices of the peace, in each township in their respective counties in this act named, to be punctual in their attendance at May and November session; and for every failure thereof, without a reasonable excuse, such justice shall be fined, upon presentment or indictment, in any sum not exceeding ten dollars, for the use of the county treasury, in their respective counties.

Justices forming board to be exempt from certain duties. SEC. 7. That the said justices of the peace, in the counties aforesaid, shall, after the taking effect of this act, be exempt from military duty, serving on juries, working on roads and public highways; and shall receive no other compensation for any of the duties enjoined on them by this act.

It shall be determined in certain cases which shall be the oldest justice in a township. SEC. 8. That in all cases where there shall be two justices of the peace in any township in either of the counties named in this act, holding commissions of the same date, it shall be the duty of said justices to draw lots, and the one on whom the lot falls shall be considered the oldest justice of the peace in said township.

Repeal. SEC. 9. The first, second, third, eighth, eleventh, and thirteenth sections of the act, entitled "an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831, are, as to the counties named in the first section of this act, repealed.

SEC. 10. This act to take effect and be in force from and after its passage.

CHAPTER LXIII.

AN ACT declaring Big Racoon, in the counties of Parke and Putnam, a public highway.

(APPROVED FEBRUARY 4, 1836.)

Big Racoon
Creek a pub-
lic highway.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Big Racoon Creek from its mouth to Grimes' mills in the county of Putnam, be, and the same is hereby declared a public highway, *Provided, however*, that nothing in this act shall be so construed as to interfere with, molest or disturb, any mill dam or other improvement, erected upon said stream within the limits aforesaid at this time.

Duty of county
boards in the
counties of
Parke and Put-
nam.

SEC. 2 *Be it further enacted*, that the boards doing county business in the counties of Parke and Putnam be and they are hereby authorized and directed to divide said stream, within the limits aforesaid, into districts, and to assign to such district, such a proportion of the highway labour within the same, for the improvement of the navigation thereof as they may deem proper and consistent with the general good of said county.

Appropriation.

SEC. 3. Said commissioners are hereby further authorized to appropriate such sums as they may deem proper for the improvement of the navigation of said stream, out of any moneys that may be assigned or granted to said counties, out of the three per cent. or any other funds for the improvement of roads and canals, regard being always had to what may be deemed a fair proportion for the districts in which said stream is included.

This act to take effect from and after its passage.

CHAPTER LXIV.

AN ACT to extend the provisions of an act therein named to Bartholomew county.

(APPROVED FEBRUARY 8, 1836.)

Justices shall
constitute the
county board.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the county of Bartholomew, the

qualified justices of the Peace for said county shall constitute a board of commissioners in said county, and shall be known by the name and style of "the board of commissioners of Bartholomew county," and as such shall be entitled to all the rights, incidents, powers and privileges, and subject to all and singular, the duties, incidents and requirements, to which, by the act to which this is amendatory, the existing board of commissioners in the aforesaid county is entitled and subject to, except as hereafter provided.

SEC. 2. The justices of the peace aforesaid, shall at their first meeting, and annually thereafter elect one of their number President of said board, whose duty it shall be to propound questions for their action, preside over their deliberations, keep order, pronounce their decisions, and sign their proceedings: *Provided*, that in the absence of the president elected as aforesaid, the board shall elect a president *pro tempore* who shall exercise all the powers, and perform all the duties herein required of the president.

Presidents.

SEC. 3. All suits, pleas, complaints, prosecutions and proceedings, which may be pending in any court to be tried in which the present board of commissioners of said county of Bartholomew is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner, as though this act had not passed, and all contracts and liabilities in favor of or against the existing board of commissioners, shall remain valid in law and equity.

Suits &c. pending.

SEC. 4. It shall require seven members of the said board at their May and November sessions, and five members at other sessions, to form a quorum to do business, and such members as do attend shall have power by this act, to issue writs of attachment, and compel the attendance of absent members, and to adjourn from day to day for that purpose.

Quorum.

SEC. 5. That the said justices of the peace in said county aforesaid shall, after the taking effect of this act, be exempt from militia duty, serving on juries, working on public roads and highways, and shall receive no other compensation for any of the duties enjoined on them by this act.

Penalty for non attendance.

SEC. 6. It shall be the duty of the justices of the peace in the county aforesaid, to be punctual in their attendance at each and every session of said board, and for every failure thereof, without a reasonable excuse, such justice shall be fined upon presentment or indictment, in any sum not exceeding ten dollars, for the use of the county seminary in said county.

Exempt from certain duties.

Repeal.

SEC. 7. The first, second, third, eighth, eleventh and thirteenth sections of the act to which this is an amendment, are, as to the county named in the first section of this act repealed.

Seal.

SEC. 8. The said board of commissioners in the county named in the first section of this act, shall have and use a common seal for the purpose of sealing their proceedings and copies of the same, when signed by the president of the board, and sealed and attested by their clerk, shall be good evidence of such proceedings on the trial of any cause in any of the courts of this State.

Copies of proceedings to be evidence.

When to organize.

SEC. 9. It shall be the duty of said justices of the peace in said county aforesaid, to meet and organize at the next March session of said board, *Provided*, however if any thing should prevent them from organizing at that term, it shall not operate to prevent them from organizing at any subsequent session.

Duty of clerks of county board

SEC. 10. That it shall be the duty of the clerk of the board doing county business, in and for the county of Bartholomew as soon as he shall receive notice of the taking effect of this act, to issue a summons directed to the sheriff of said county, requiring him to summon the justices of the peace of the county to attend at the first meeting of said board in said county, and the sheriff of said county, aforesaid, shall serve said summons according to law.

SEC. 11. This act to be in force and take effect from and after its publication.

CHAPTER LXV.

AN ACT to revive and amend an act entitled "an act to provide for the sale of certain lands therein named," approved February 2, 1833.

(APPROVED FEBRUARY 6, 1836.)

Act revived.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act, entitled "an act to provide for the sale of certain lands therein named," as relates to the land situate in the county of Monroe, be, and the same is hereby declared to be revived, and shall be in full force and virtue; and that Milton McPhetridge school commissioner in and for the county of Monroe, be and he is hereby appointed a commissioner, who shall be clothed with all the powers conferred by said act upon the commissioner therein named; and

Commissioner.

Appraisers.

that Henry Wampler and Jacob Reaves be and they are hereby appointed appraisers of said land, and be also clothed with the same power as by said act conferred on the former appraisers. And the said commissioner and appraisers shall in all particulars be governed by the requisitions of the act aforesaid.

SEC. 2. That if the said land shall not be valued to one dollar and twenty-five cents per acre, or if so valued, shall not, at public sale, bring said price or more, than [then] said lands shall be subject to entry at private sale at the price at which they may be valued: *Provided*, The same be not under one dollar and twenty-five cents per acre, in tracts of from forty to eighty acres, so as to suit purchasers, and to make [meet] the public interest. All acts and parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

This act to be in force from and after its passage.

Lands to be sold at private entry in certain event.

CHAPTER LXVI.

AN ACT to attach the county of Morgan to the fifteenth Brigade of Indiana militia.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county of Morgan shall be attached to the fifteenth Brigade of Indiana militia.

SEC. 2. This act [to] be in force from and after its passage.

CHAPTER LXVII.

LAW OF CONGRESS.

AN ACT concerning the mode of surveying the public lands of the United States.

(APPROVED FEBRUARY 11, 1805.)

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That the surveyor general shall cause all those lands north of the river Ohio, which, by virtue of the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," were subdivided, by running through the townships par-

The surveyor general to cause the lands north of the Ohio, which, &c. were subdivided, &c. to be subdivided into sections, in the manner described, &c.

The surveyor general to cause the boundaries of all the half sections purchased previous to the 1st July, 1804, &c. to be surveyed and marked, &c.

Intermediate corners to be marked on each of the dividing lines, &c.

Provido; the whole expense of surveying, &c. not to exceed 3 dolls. for every mile, &c.

The expense of making the subdivisions, &c. to be defrayed out of the moneys appropriated for completing the surveys of the public lands.

The boundaries and contents of the several sections, &c. to be ascertained in conformity with the principles stated.

1. All the corners marked in the surveys returned, &c. to be established as the proper corners of sections, &c.

The corners of half and quarter sections, not marked on the surveys, to be placed, as nearly as possible, equidistant, &c.

allel lines, each way, at the end of every two miles, and by marking a corner on each of the said lines, at the end of every mile, to be subdivided into sections, by running straight lines, from the mile corners thus marked to the opposite corresponding corners, and by marking, on each of the said lines, intermediate corners, as nearly as possible equidistant from the corners of the sections on the same. And the said surveyor general shall also cause the boundaries of all the half sections, which had been purchased previous to the first day of July last, and on which the surveying fees had been paid according to law by the purchaser, to be surveyed and marked, by running straight lines from the half mile corners heretofore marked, to the opposite corresponding corners; and intermediate corners shall, at the same time, be marked on each of the said dividing lines, as nearly as possible equidistant from the corners of the half section on the same line: *Provided*, That the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile which has not yet been surveyed, and which shall be actually run, surveyed, and marked, by virtue of this section. And the expense of making the subdivisions directed by this section, shall be defrayed out of the moneys appropriated, or which may be hereafter appropriated, for completing the surveys of the public lands of the United States.

Sec. 2. *And be it further enacted*, That the boundaries and contents of the several sections, half sections, and quarter sections, of the public lands of the United States, shall be ascertained in conformity with the following principles, any act or acts to the contrary notwithstanding:

1st. All the corners marked in the surveys, returned by the surveyor general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the said surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

2d. The boundary lines, actually run and marked in the surveys returned by the surveyor general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended; and the length of such lines, as returned by either of the surveyors aforesaid, shall be held and con-

sidered as the true length thereof. And the boundary lines, which shall not have been actually run and marked as aforesaid, shall be ascertained, by running straight lines, from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, when no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained by running, from the established corners, due north and south, or east and west, lines, as the case may be, to the water course, Indian boundary line, or other external boundary of such fractional township.

3d. Each section, or subdivision of section, the contents whereof shall have been, or, by virtue of the first section of this act, shall be, returned by the surveyor general, or by the surveyor of the public lands south of the state of Tennessee, respectively, shall be held and considered as containing the exact quantity expressed in such return or returns: and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half, or the one-fourth, part, respectively, of the returned contents of the section of which they make part.

Sec. 3. *And be it further enacted*, That so much of the act, entitled "An act making provision for the disposal of the lands in the Indiana territory, and for other purposes," as provides the mode of ascertaining the true contents of sections, or subdivisions of sections, and prevents the issue of final certificates, unless the said contents shall have been ascertained, and a plot, certified by the district surveyor, lodged with the register, be, and the same is hereby repealed.

2. The boundary lines actually run and marked in the surveys returned, &c. to be established as the proper boundary lines of the sections, &c.

The boundary lines not actually run, &c. to be ascertained in the manner prescribed.

3. Each section &c. the contents whereof have been returned by the surveyor general, &c. to be considered as containing the exact quantity expressed in such returns.

The half sections, &c. the contents whereof have not been returned, &c. to be considered, &c.

So much of the act mentioned, as provides the mode of ascertaining the true contents of sections, &c. repealed.

SECRETARY'S OFFICE, }
 Indianapolis, 20th February, 1836. }

INDIANA, to wit:

I do certify, that I have compared the foregoing printed acts, with the original rolls on file in my office, and found them correct, with the exception of the words included [thus], inserted to aid the sense.

WILLIAM SHEETS,
 Secretary of State.

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